



# Maryland Register

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Volume 40 • Issue 25 • Pages 2053—2148

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Regulatory Review and  
Evaluation  
Regulations  
Errata  
Special Documents  
General Notices



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 25, 2013, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of November 25, 2013.

Brian Morris  
Acting Administrator, Division of State Documents  
Office of the Secretary of State

# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

## CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

## CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

## CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

## DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at [www.dsd.state.md.us/CumulativeIndex.pdf](http://www.dsd.state.md.us/CumulativeIndex.pdf). This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.sos.state.md.us](http://www.sos.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

## Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

## CLOSING DATES AND ISSUE DATES through JULY 25, 2014

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
December 27**	December 9	December 16	December 13
January 10**	December 23	December 30	December 27
January 24**	January 6	January 14	January 13
February 7**	January 17	January 29	January 27
February 21	February 3	February 12	February 10
March 7**	February 14	February 26	February 24
March 21	March 3	March 12	March 10
April 4	March 17	March 26	March 24
April 18	March 31	April 9	April 7
May 2	April 14	April 23	April 21
May 16	April 28	May 7	May 5
May 30	May 12	May 21	May 19
June 13**	May 23	June 4	June 2
June 27	June 9	June 18	June 16
July 11	June 23	July 2	June 30
July 25	July 7	July 16	July 14

\* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9 POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes

\*\*\* Note issue date and closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title      Subtitle      Chapter      Regulation      Subsection      Paragraph      Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

## Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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### 03 COMPTROLLER OF THE TREASURY

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### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

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### 08 DEPARTMENT OF NATURAL RESOURCES

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 10.43.12.03,.04 • 40:20 Md. R. 1671 (10-4-13)  
 10.43.13.03,.04 • 40:20 Md. R. 1671 (10-4-13)  
 10.43.14.03,.05,.06 • 40:20 Md. R. 1671 (10-4-13)  
 10.43.17.03,.04,.09,.11 • 40:20 Md. R. 1671 (10-4-13)  
 10.43.18.02,.05 • 40:20 Md. R. 1671 (10-4-13)  
 10.43.20.01—.03 • 40:20 Md. R. 1671 (10-4-13)  
 10.43.21.01,.02 • 40:20 Md. R. 1671 (10-4-13)  
 10.44.22.04 • 40:20 Md. R. 1677 (10-4-13)  
 10.44.27.04 • 40:19 Md. R. 1562 (9-20-13)  
 10.54.01.19 • 40:6 Md. R. 485 (3-22-13)  
 10.54.02.18 • 40:16 Md. R. 1354 (8-9-13)  
 10.57.04.01 • 40:25 Md. R. 2086 (12-13-13)  
 10.57.07.01 • 40:25 Md. R. 2086 (12-13-13)

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 11—22 (MVA)**

11.11.05.02 • 39:22 Md. R. 1454 (11-2-12)  
 11.15.11.02,.03 • 40:23 Md. R. 1956 (11-15-13)  
 11.15.16.01-1,.02,.03,.05 • 40:23 Md. R. 1957 (11-15-13)  
 11.15.17.01—.03 • 40:23 Md. R. 1957 (11-15-13)  
 11.19.02.20,.32 • 40:25 Md. R. 2087 (12-13-13)

**12 DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

12.02.16.01—.08 • 40:18 Md. R. 1498 (9-6-13)  
 12.10.01.01,.02,.04,.05,.08,.11,.13—.18,  
 .20 • 40:14 Md. R. 1196 (7-12-13)  
 12.10.05.02 • 40:14 Md. R. 1196 (7-12-13)  
 12.11.06.01—.08 • 40:20 Md. R. 1677 (10-4-13)  
 12.11.09.02—.05 • 40:19 Md. R. 1564 (9-20-13)  
 12.11.11.01—.15 • 40:18 Md. R. 1498 (9-6-13)  
 12.12.18.01—.08 • 40:18 Md. R. 1498 (9-6-13)

**13A STATE BOARD OF EDUCATION**

13A.08.01.11,.12,.15,.21 • 40:25 Md. R. 2091 (12-13-13)

**13B MARYLAND HIGHER EDUCATION COMMISSION**

13B.07.01.02 • 40:23 Md. R. 1958 (11-15-13)  
 13B.07.04.02—.04 • 40:23 Md. R. 1958 (11-15-13)

**14 INDEPENDENT AGENCIES**

14.09.01.01—.10,.20.30,.31 • 40:24 Md. R. 2042 (12-2-13)  
 14.09.01.05—.09,.18,.19,.21—.25,  
 .28 • 40:23 Md. R. 1959 (11-15-13)  
 14.09.01.05,.28 • 40:23 Md. R. 1959 (11-15-13)  
 14.09.01.06,.06-1,.08 • 40:23 Md. R. 1964 (11-15-13)  
 14.09.01.09,.21,.22 • 40:23 Md. R. 1962 (11-15-13)  
 14.09.01.18,.19,.21 • 40:23 Md. R. 1964 (11-15-13)  
 14.09.01.23—.25 • 40:23 Md. R. 1965 (11-15-13)  
 14.09.02.01—.07 • 40:23 Md. R. 1960 (11-15-13)  
 14.09.02.01—.11 • 40:23 Md. R. 1967 (11-15-13)  
 14.09.03.01—.08 • 40:23 Md. R. 1967 (11-15-13)  
 14.09.03.01—.15 • 40:23 Md. R. 1968 (11-15-13)  
 14.09.04.01,.02 • 40:23 Md. R. 1972 (11-15-13)  
 14.09.04.01—.04 • 40:23 Md. R. 1965 (11-15-13)  
 14.09.05.01—.12 • 40:23 Md. R. 1973 (11-15-13)  
 14.09.06.01—.04 • 40:23 Md. R. 1962 (11-15-13)  
 14.09.06.01—.05 • 40:23 Md. R. 1959 (11-15-13)  
 14.09.07.01—.12 • 40:23 Md. R. 1973 (11-15-13)  
 14.09.08.01—.08 • 40:23 Md. R. 1967 (11-15-13)  
 14.09.09.01—.04 • 40:23 Md. R. 1972 (11-15-13)  
 14.09.09.01—.16 • 40:23 Md. R. 1969 (11-15-13)  
 14.09.10.01—.03 • 40:23 Md. R. 1964 (11-15-13)  
 14.09.10.01—.12 • 40:23 Md. R. 1967 (11-15-13)  
 14.09.11.01—.05 • 40:23 Md. R. 1975 (11-15-13)  
 14.09.12.01—.07 • 40:23 Md. R. 1959 (11-15-13)  
 14.09.13.01—.12 • 40:23 Md. R. 1967 (11-15-13)  
 14.09.14.01—.11 • 40:23 Md. R. 1967 (11-15-13)

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**14.09.15.01—.06** • 40:23 Md. R. 1967 (11-15-13)  
**14.09.16.01—.16** • 40:23 Md. R. 1967 (11-15-13)  
**14.26.04.01—.13** • 40:23 Md. R. 1976 (11-15-13)  
**14.26.05.01—.07** • 40:23 Md. R. 1976 (11-15-13)  
**14.30.07.04** • 39:6 Md. R. 448 (3-23-12)  
**14.30.11.12** • 39:6 Md. R. 448 (3-23-12)  
**14.32.09.01—.16** • 40:19 Md. R. 1566 (9-20-13)  
**14.32.10.01—.04** • 40:19 Md. R. 1568 (9-20-13)

**15 DEPARTMENT OF AGRICULTURE**

**15.14.01.03,.10-1** • 40:23 Md. R. 1976 (11-15-13)  
**15.14.03.01** • 40:23 Md. R. 1976 (11-15-13)  
**15.15.05.07** • 40:18 Md. R. 1504 (9-6-13)  
**15.20.04.11** • 40:21 Md. R. 1840 (10-18-13)  
**15.20.07.02** • 40:21 Md. R. 1840 (10-18-13) (ibr)  
**15.20.08.05** • 40:21 Md. R. 1840 (10-18-13)

**18 DEPARTMENT OF ASSESSMENTS AND TAXATION**

**18.02.03.04** • 40:22 Md. R. 1887 (11-1-13)

**22 STATE RETIREMENT AND PENSION SYSTEM**

**22.01.14.03** • 40:25 Md. R. 2093 (12-13-13)

**23 BOARD OF PUBLIC WORKS**

**23.03.06.01—.04** • 40:11 Md. R. 1000 (5-31-13) (ibr)

**24 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**

**24.05.19.01—.13** • 40:23 Md. R. 1978 (11-15-13)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 01—07 (Part 1)**

**26.03.13.01—.04** • 40:18 Md. R. 1505 (9-6-13)  
**26.04.02.01—.12** • 40:25 Md. R. 2094 (12-13-13)  
**26.04.05.01—.03** • 40:25 Md. R. 2105 (12-13-13)  
**26.04.06.01—.75** • 40:20 Md. R. 1687 (10-4-13)

**Subtitles 08—12 (Part 2)**

**26.08.01.01** • 40:25 Md. R. 2107 (12-13-13)  
**26.08.02.01,.02,.02-1,.03-2,.03-3,.04,.04-1,.07,.08,.11** • 40:25 Md. R. 2107 (12-13-13)  
**26.08.04.02-1,.04** • 40:25 Md. R. 2107 (12-13-13)  
**26.09.01.02,.03** • 40:15 Md. R. 1255 (7-26-13) (ibr)  
**26.09.02.02,.03,.05,.07,.11** • 40:15 Md. R. 1255 (7-26-13)  
**26.09.03.01,.02,.04,.05,.09** • 40:15 Md. R. 1255 (7-26-13)  
**26.09.04.06—.14** • 40:15 Md. R. 1255 (7-26-13)  
**26.11.09.08** • 40:23 Md. R. 1981 (11-15-13)  
**26.11.14.06,.07** • 40:23 Md. R. 1981 (11-15-13)  
**26.11.19.08** • 40:23 Md. R. 1983 (11-15-13) (ibr)  
**26.11.34.02** • 40:23 Md. R. 1986 (11-15-13) (ibr)  
**26.12.01.01** • 40:21 Md. R. 1843 (10-18-13) (ibr)

**Subtitles 13—18 (Part 3)**

**26.17.06.01,.04—.09** • 40:22 Md. R. 1887 (11-1-13) (ibr)

**27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**

**27.01.09.01** • 40:13 Md. R. 1094 (6-28-13)

**29 DEPARTMENT OF STATE POLICE**

**29.01.04.01—.06** • 40:25 Md. R. 2137 (12-13-13)

**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)**

**30.01.01.02** • 40:20 Md. R. 1727 (10-4-13)  
**30.01.02.01** • 40:22 Md. R. 1890 (11-1-13) (ibr)  
**30.03.04.04** • 40:20 Md. R. 1728 (10-4-13)

**31 MARYLAND INSURANCE ADMINISTRATION**

**31.03.12.02,.03** • 40:21 Md. R. 1844 (10-18-13)  
**31.04.22.01—.08** • 40:25 Md. R. 2138 (12-13-13)  
**31.08.03.06** • 40:14 Md. R. 1199 (7-12-13)  
**31.08.12.02—.06** • 39:20 Md. R. 1346 (10-5-12)  
40:14 Md. R. 1200 (7-12-13)  
**31.08.13.01—.06** • 39:26 Md. R. 1674 (12-28-12)  
40:25 Md. R. 2140 (12-13-13)  
**31.08.14.01,.02** • 40:20 Md. R. 1729 (10-4-13)  
**31.08.15.01—.09** • 40:14 Md. R. 1201 (7-12-13)  
**31.08.17.01—.03** • 40:25 Md. R. 2142 (12-13-13)  
**31.10.11.10** • 40:16 Md. R. 1391 (8-9-13)  
**31.10.26.03** • 40:18 Md. R. 1515 (9-6-13)  
**31.10.39.01—.04** • 40:16 Md. R. 1391 (8-9-13)  
**31.15.13.01—.04** • 40:20 Md. R. 1730 (10-4-13)

**36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY**

**36.01.03.02,.03,.06** • 40:23 Md. R. 1988 (11-15-13)  
**36.03.06.01,.02** • 40:23 Md. R. 1988 (11-15-13)  
**36.03.10.29** • 40:23 Md. R. 1990 (11-15-13)  
**36.05.04.02,.03,.06,.13** • 40:23 Md. R. 1990 (11-15-13)  
**36.05.05.02—.05,.12** • 40:23 Md. R. 1990 (11-15-13)  
**36.06.01.01—.03** • 40:4 Md. R. 381 (2-22-13)  
**36.06.02.01,.02** • 40:4 Md. R. 381 (2-22-13)  
**36.06.03.01—.16** • 40:4 Md. R. 381 (2-22-13)  
**36.06.04.01—.05** • 40:4 Md. R. 381 (2-22-13)  
**36.06.05.01—.10** • 40:4 Md. R. 381 (2-22-13)

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by Order of the Court dated November 22, 2013, NIKOLAOS PANAGIOTIS KOURTESIS, 9109 Ridge Lane, Vienna, Virginia 22182, has been suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-773 (d)).

\* \* \* \* \*

This is to certify that by an Opinion and Order of the Court dated November 25, 2013, DAVID EUGENE BOCCHINO, P.O. Box 347, Abingdon, Maryland 21009, has been indefinitely suspended, effective immediately, from the further practice of law in the State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760 (e)).

[13-25-32]

### RULES ORDER

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Seventy-Seventh Report to the Court recommending adoption of proposed new Rules 2-701, 2-702, 2-703, 2-704, 2-705, 2-706, 3-741, 17-401, 17-402, 17-403, and 17-404; new Appendix: Guidelines Regarding Compensable and Non-Compensable Attorneys' Fees and Related Expenses; and amendments to Rules 1-101, 1-341, 2-305, 2-433, 2-521, 2-603, 3-305, 4-102, 4-202, 4-213, 4-215, 4-262, 4-263, 4-301, 4-326, 8-205, 8-206, 8-503, and 17-101 of the Maryland Rules of Procedure; all as set forth in that Report published in the *Maryland Register*, Vol. 40, Issue 8, pages 702 - 722 (April 19, 2013); and

The Rules Committee having withdrawn from the One Hundred Seventy-Seventh Report the proposed amendments to Rules 4-102, 4-202, 4-213, 4-215, and 4-301; and

The Rules Committee having re-submitted the proposed amendments to Rules 4-102, 4-202, 4-213, 4-215, and 4-301 in a Supplement to the One Hundred Seventy-Seventh Report; and

This Court having considered at open meetings, notices of which were posted as prescribed by law, those proposed rules changes, together with comments received, it is this 21<sup>st</sup> day of November, 2013,

ORDERED, by the Court of Appeals of Maryland, that amendments to Rules 4-102, 4-202, 4-213, 4-215, and 4-301 be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 2014 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Mary Ellen Barbera  
Glenn T. Harrell, Jr.  
Lynne A. Battaglia  
Clayton Greene, Jr.  
Sally D. Adkins  
Robert N. McDonald  
Shirley M. Watts

Filed: November 21, 2013

Bessie M. Decker  
Clerk  
Court of Appeals of Maryland

[13-25-21]

### RULES ORDER

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Eightieth Report to the Court recommending adoption of proposed new Rule 8-124 and Rules 16-811.1 through 16-811.11; the proposed deletion of current Rule 16-811; and proposed amendments to Rules 1-312, 2-202, 2-506, 2-522, 2-647, 3-202, 3-647, 8-301, 8-303, 8-412, 8-502, 8-503, 8-511, 8-606, 10-108, 10-201, 10-205, 10-301, 10-703, 14-215, 14-502, 16-101, 16-303, 16-502, 16-714, 16-724, 16-753, and 16-903, Form 4-504.1, and Rules 2, 12, and 13 of the Rules Governing Admission to the Bar of Maryland, all as set forth in that Report published in the *Maryland Register*, Vol. 40, Issue 20, pages 1621-1646 (October 4, 2013); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 21<sup>st</sup> day of November, 2013,

ORDERED, by the Court of Appeals of Maryland, that Rule 16-811 be, and it is hereby, rescinded; and it is further

ORDERED that new Rules 8-124, 16-811.1, 16-811.2, 16-811.3, 16-811.4, 16-811.5, 16-811.6, 16-811.8, 16-811.9, 16-811.10, and 16-811.11 be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that amendments to Rules 2-647, 3-647, 8-503, 14-215, 14-502, and 16-811.7 and Form 4-504.1 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-312, 2-202, 2-506, 2-522, 3-202, 8-301, 8-303, 8-412, 8-502, 8-511, 8-606, 10-108, 10-201, 10-205, 10-301, 10-703, 16-101, 16-303, 16-502, 16-714, 16-724, 16-753, and 16-903 and Rules 2, 12, and 13 of the Rules Governing Admission to the Bar of Maryland be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all

actions commenced on or after January 1, 2014 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Mary Ellen Barbera  
Glenn T. Harrell, Jr.  
Lynne A. Battaglia  
Clayton Greene, Jr.  
Sally D. Adkins  
Robert N. McDonald  
Shirley M. Watts

Filed: November 21, 2013

Bessie M. Decker  
Clerk  
Court of Appeals of Maryland

**MARYLAND RULES OF PROCEDURE  
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT  
CHAPTER 600 - JUDGMENT**

AMEND Rule 2-647 to add a cross reference to a certain statute to the end of the Rule, as follows:

**Rule 2-647. ENFORCEMENT OF JUDGMENT AWARDING POSSESSION**

Upon the written request of the holder of a judgment awarding possession of property, the clerk shall issue a writ directing the sheriff to place that party in possession of the property. The request shall be accompanied by instructions to the sheriff specifying (a) the judgment, (b) the property and its location, and (c) the party to whom the judgment awards possession. The clerk shall transmit the writ and the instructions to the sheriff. When a judgment awards possession of property or the payment of its value, in the alternative, the instructions shall also specify the value of the property, and the writ shall direct the sheriff to levy upon real or personal property of the judgment debtor to satisfy the judgment if the specified property cannot be found. When the judgment awards possession of real property located partly in the county where the judgment is entered and partly in an adjoining county, the sheriff may execute the writ as to all of the property.

*Cross reference: See Code, Real Property Article, §7-113 (c)(1) for an alternate method to take possession of residential real property when the person claiming a right to possession of the property by the terms of a foreclosure sale or court order does not have a court-ordered writ of possession executed by a sheriff or constable.*

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT  
CHAPTER 600 - JUDGMENT**

AMEND Rule 3-647 to add a cross reference to a certain statute to the end of the Rule, as follows:

**Rule 3-647. ENFORCEMENT OF JUDGMENT AWARDING POSSESSION**

Upon the written request of the holder of a judgment awarding possession of property, the clerk shall issue a writ directing the sheriff to place that party in possession of the property. The request

shall be accompanied by instructions to the sheriff specifying (a) the judgment, (b) the property and its location, and (c) the party to whom the judgment awards possession. The clerk shall transmit the writ and the instructions to the sheriff. When a judgment awards possession of property or the payment of its value, in the alternative, the instructions shall also specify the value of the property, and the writ shall direct the sheriff to levy upon real or personal property of the judgment debtor to satisfy the judgment if the specified property cannot be found. When the judgment awards possession of real property located partly in the county where the judgment is entered and partly in an adjoining county, the sheriff may execute the writ as to all of the property.

*Cross reference: See Code, Real Property Article, §7-113 (c)(1) for an alternate method to take possession of residential real property when the person claiming a right to possession of the property by the terms of a foreclosure sale or court order does not have a court-ordered writ of possession executed by a sheriff or constable.*

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS  
AND COURT OF SPECIAL APPEALS  
CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT**

AMEND Rule 8-503 (d) by establishing a page limit for an amicus curiae brief and by making stylistic changes, as follows:

**Rule 8-503. STYLE AND FORM OF BRIEFS**

...

**(d) Length**

**(1) Principal Briefs of Parties**

Except as otherwise provided in section (e) of this Rule or with permission of the Court, [a] *the principal* brief of [the] *an* appellant [and] *or* appellee shall not exceed 35 pages in the Court of Special Appeals or 50 pages in the Court of Appeals. This limitation does not apply to [(1)] (A) the table of contents and citations required by Rule 8-504 (a)(1); [(2)] (B) the citation and text required by Rule 8-504 (a)(8); [and] *or* (C) a motion to dismiss and argument supporting or opposing the motion.

**(2) Motion to Dismiss**

Except with permission of the Court, any portion of a *party's* brief pertaining to a motion to dismiss shall not exceed an additional ten pages in the Court of Special Appeals or 25 pages in the Court of Appeals.

**(3) Reply Brief**

Any reply brief filed by the appellant shall not exceed 15 pages in the Court of Special Appeals or 25 pages in the Court of Appeals.

**(4) Amicus Curiae Brief**

*Except with the permission of the Court, an amicus curiae brief:*

*(A) if filed in the Court of Special Appeals, shall not exceed 15 pages; and*

*(B) if filed in the Court of Appeals, shall not exceed 25 pages, except that an amicus curiae brief supporting or opposing a petition for certiorari or other extraordinary writ shall not exceed 15 pages.*

...

**MARYLAND RULES OF PROCEDURE  
TITLE 14 - SALES OF PROPERTY  
CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS**

AMEND Rule 14-215 to add a cross reference to a certain statute to the end of the Rule, as follows:

**Rule 14-215. POST-SALE PROCEDURES**

**(a) Procedure Following Sale**

The procedure following a sale made pursuant to this Chapter shall be as provided in Rules 14-305 and 14-306, except that an audit is mandatory.

**(b) Resale**

If the court sets a sale aside, the court may order that the property be resold by the individual who made the previous sale or by a special trustee appointed by the court.

**(c) Conveyance to Purchaser**

**(1) When Made**

After the court has finally ratified a sale and the purchase money has been paid, the individual making the sale shall convey the property to the purchaser or the purchaser's assignee. If the conveyance is to the purchaser's assignee, the purchaser shall join in the deed.

**(2) Under Power of Sale - When Vendor and Purchaser are the Same**

If the individual making a sale and the purchaser at a sale made pursuant to a power of sale are the same person, the court shall appoint in the order of ratification a trustee to convey the property to the purchaser after payment of the purchase money. The trustee need not furnish a bond unless the court so provides in its order.

**(3) To Substituted Purchaser**

At any time after the sale and before a conveyance, the court, upon ex parte application and consent of the purchaser, substituted purchaser, and individual making the sale, may authorize the conveyance to be made to a substituted purchaser.

Cross reference: For a purchaser's obligation to notify the supervisor of assessments for the county in which the residential property is located of the ratification of the foreclosure sale, see Code, Real Property Article, §7-105.12. For requirements relating to registration by foreclosure purchasers with the Foreclosed Property Registry of the Department of Labor, Licensing, and Regulation, see Code, Real Property Article, §14-126.1. *For an alternate method to take possession of residential real property when the person claiming a right to possession of the property by the terms of a foreclosure sale or court order does not have a court-ordered writ of possession executed by a sheriff or constable, see Code, Real Property Article, §7-113 (c)(1).*

Source: This Rule is derived from the 2008 version of former Rule 14-207 (d), (e), and (f).

**MARYLAND RULES OF PROCEDURE  
TITLE 14 - SALES OF PROPERTY  
CHAPTER 500 - TAX SALES**

AMEND Rule 14-502 to add a cross reference to a certain statute to the end of the Rule and to make stylistic corrections, as follows:

**Rule 14-502. FORECLOSURE OF RIGHT OF REDEMPTION - COMPLAINT**

**(a) Notices to be Sent**

The holder of a certificate of sale may not file a complaint to foreclose the right of redemption until at least two months after

sending the first notice and at least 30 days after sending the second notice required by Code, Tax-Property Article, §14-833 (a-1) (1).

**(b) Contents**

In an action to foreclose the right of redemption in property sold at a tax sale, the complaint, in addition to complying with Rules 2-303 through 2-305, shall set forth:

(1) the fact of the issuance of the certificate of sale;

(2) a description of the property in substantially the same form as the description appearing on the certificate of tax sale;

(3) the fact that the property has not been redeemed by any party in interest; and

(4) a statement of the amount necessary for redemption.

**(c) Documents**

The complaint shall be accompanied by:

(1) the original certificate of sale, or a photocopy of the certificate;

(2) a copy of a title report supported by an affidavit by the person making the search that a complete search of the records has been performed in accordance with generally accepted standards of title examination for the period of at least 40 years immediately before the filing of the complaint; [and]

(3) a notice setting forth (A) the substance of the complaint and the relief sought, (B) a description of the property in substantially the same form as the description appearing on the collector's tax records, (C) the time within which a defendant must file an answer to the complaint or redeem the property, and (D) a statement that failure to answer or redeem the property within the time allowed may result in a judgment foreclosing the right of redemption[.] ; and

(4) an affidavit (A) stating the date that the notices required by Code, Tax-Property Article, §14-833 (a-1)(1) were given, the name and address of the persons to whom the notices were given, and the manner of the delivery of the notice and (B) verifying that the amount that shall be paid to redeem the property complies with the requirements of Code, Tax Property Article, §14-833 (a-1)(3).

Cross reference: See Code, Tax - Property Article, §14-833 for provisions governing limitations on the time for bringing an action to foreclose the right of redemption and Code, Tax - Property Article, §14-841 for the limitation on the number of certificates that may be joined in one action. See also Code, Tax - Property Article, §§14-836 and 14-837 governing parties to the action. For purchaser's obligations once a complaint has been filed, see *Scheve v. Shudder, Inc.*, 328 Md. 363 (1992). See Code, Real Property Article, §7-113 (c)(1) for an alternate method to take possession of residential real property when the person claiming a right to possession of the property by the terms of a foreclosure sale or court order does not have a court-ordered writ of possession executed by a sheriff or constable.

Source: This Rule is new but is consistent with Code, Tax - Property Article, §§14-835 and 14-838 and is derived in part from Code, Tax - Property Article, §§14-840 and 14-836.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS  
CHAPTER 800 - MISCELLANEOUS**

ADD new Rule 16-811.7, as follows:

**Rule 16-811.7. DISHONORED CHECKS**

**(a) Notice by Treasurer**

If a check to the Fund is dishonored, the treasurer of the Fund shall notify the attorney immediately by the quickest available means.

**(b) Duty of Attorney**

Within seven business days following the date of the notice, the attorney shall pay to the treasurer of the Fund the full amount of the

dishonored check plus any additional charge that the trustees shall prescribe. Payment shall be by certified check or money order.

(c) Temporary Suspension Order

(1) Notice by Treasurer

The treasurer of the Fund promptly (but not more often than once each calendar quarter) shall submit to the Court of Appeals a proposed interim Temporary Suspension Order stating the name and account number of each attorney who remains in default of payment for a dishonored check and related charges.

(2) Entry and Service of Order

The Court of Appeals shall enter an Interim Temporary Suspension Order prohibiting the practice of law in the State by each attorney as to whom the Court is satisfied that the treasurer has made reasonable efforts to give notice concerning the dishonored check. The treasurer shall mail by first class mail a copy of the interim Temporary Suspension Order to each attorney named in the order at the attorney's last address as it appears on the records of the trustees. The mailing by the treasurer of the copy constitutes service of the order on the attorney.

(d) Payment; Termination or Replacement of Interim Order

(1) Procedure Upon Payment

Upon payment of the full amount due by the attorney, the trustees and the Court shall follow the procedure set forth in Rule 16-811.6 (e).

(2) If No Payment

If the full amount due is not paid by the time the Court enters its next Temporary Suspension Order under Rule 16-811.6 and, as a result, the attorney is included in that order, the interim order shall terminate and be replaced by the Temporary Suspension Order.

Source: This Rule is derived from former Rule 16-811 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 4 - CRIMINAL CAUSES  
FORMS FOR EXPUNGEMENT OF RECORDS**

AMEND Form 4-504.1 to delete language pertaining to certain types of crimes and criminal actions, to add language pertaining to expungement of a conviction of a certain specified crime, to add a new category of eligibility for expungement, and to make stylistic changes, as follows:

Form 4-504.1. PETITION FOR EXPUNGEMENT OF RECORDS

(Caption)

PETITION FOR EXPUNGEMENT OF RECORDS

1. (Check one of the following boxes) On or about \_\_\_\_\_, I  
(Date)  
was [ ] arrested, [ ] served with a summons, or [ ] served with a  
citation by an officer of the

(Law Enforcement Agency)  
at \_\_\_\_\_,  
Maryland, as a result of the following incident  
\_\_\_\_\_  
\_\_\_\_\_.

2. I was charged with the offense of \_\_\_\_\_.

3. On or about \_\_\_\_\_, the  
(Date)

charge was disposed of as follows (check one of the following boxes):

- [ ] I was acquitted and either three years have passed since disposition or a General Waiver and Release is attached.
- [ ] The charge was dismissed or quashed and either three years have passed since disposition or a General Waiver and Release is attached.
- [ ] A judgment of probation before judgment was entered on a charge that is not a violation of Code\*, Transportation Article, §21-902 or Code\*, Criminal Law Article, §§2-503, 2-504, 2-505, or 2-506, or former Code\*, Article 27, §388A or §388B, and either (a) at least three years have passed since the disposition, or (b) I have been discharged from probation, whichever is later. Since the date of disposition, I have not been convicted of any crime\*\*, [other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment;] and I am not now a defendant in any pending criminal action\*\* [other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment].
- [ ] A Nolle Prosequi was entered and either three years have passed since disposition or a General Waiver and Release is attached. Since the date of disposition, I have not been convicted of any crime\*\*, [other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment;] and I am not now a defendant in any pending criminal action\*\* [other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment].
- [ ] The proceeding was stetted and three years have passed since disposition. Since the date of disposition, I have not been convicted of any crime\*\*, [other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment;] and I am not now a defendant in any pending criminal action\*\* [other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment].
- [ ] I was convicted of a crime specified in Code\*, Criminal Procedure Article, §10-105 (a)(9); three years have passed since the later of the conviction or satisfactory completion of the sentence, including probation; *since the date of that conviction, I have not been convicted of any crime\*\**; and I am not now a defendant in any pending criminal action\*\* [other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment].
- [ ] *I was found not criminally responsible for a crime specified in Code\*, Criminal Procedure Article, §10-105 (a)(9) or (a)(10); three years have passed since the finding of not criminally responsible; I have not been convicted of any crime\*\*, and I am not now a defendant in any pending criminal action\*\*.*
- [ ] The case was transferred to the juvenile court pursuant to Code\*, Criminal Procedure Article, §§4-202 or 4-202.2. (Note: The expungement is only of the records in the criminal case, not those records in the juvenile court. See Code\*, Criminal Procedure Article, §10-106.)
- [ ] The case was compromised or dismissed pursuant to Code\*, Criminal Law Article, §3-207, former Code\*, Article 27, §12A-5, or former Code\*, Article 10, §37 and three years have passed since disposition.
- [ ] On or about \_\_\_\_\_, I was granted  
(Date)  
a full and unconditional pardon by the Governor for the one criminal act, not a crime of violence as defined in Code\*,

Criminal Law Article, §14-101 (a), of which I was convicted. Not more than ten years have passed since the Governor signed the pardon, and since the date the Governor signed the pardon I have not been convicted of any crime\*\*, [other than violations of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment;] and I am not now a defendant in any pending criminal action\*\* [other than for violation of vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment].

WHEREFORE, I request the Court to enter an Order for Expungement of all police and court records pertaining to the above arrest, detention, confinement, and charges.

I solemnly affirm under the penalties of perjury that the contents of this Petition are true to the best of my knowledge, information and belief, and that the charge to which this Petition relates was not made for any nonincarcerable violation of the Vehicle Laws of the State of Maryland, or any traffic law, ordinance, or regulation, nor is it part of a unit the expungement of which is precluded under Code\*, Criminal Procedure Article, §10-107.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone No.)

\* References to "Code" in this Petition are to the Annotated Code of Maryland.

\*\* References to "crime" and to "criminal action" in this Petition mean any criminal offense other than a violation of the vehicle or traffic laws, ordinances, or regulations not carrying a possible sentence of imprisonment.

[13-25-22]

## SCHEDULE

### Thursday, January 9, 2014

#### Bar Admissions

- AG 80 Attorney Grievance Commission of Maryland v.  
(2012 T.) Glenn Charles Lewis  
AG 30&40 Attorney Grievance Commission of Maryland v.  
(2011 T.) Lawrence Paul Pinno, Jr.  
No. 52 Motor Vehicle Administration v. April Marie Deering  
No. 48 Kara Keller v. Charles J. Serio and GEICO Insurance Company

### Friday, January 10, 2014

- No. 45 Jamaal Garvin Alexis v. State of Maryland  
No. 50 Shih Ping Li v. Tzu Lee  
No. 47 James Lambert v. State of Maryland

### Monday, January 13, 2014

- AG 69 Attorney Grievance Commission of Maryland v.  
(2012 T.) James Albert Frost  
No. 49 Cervante Pearson v. State of Maryland  
No. 42 Michael Gambrell v. State of Maryland

### Tuesday, January 14, 2014

- AG 52 Attorney Grievance Commission of Maryland v.  
(2012 T.) Melissa Donnelle Gray  
AG 62 Attorney Grievance Commission of Maryland v.  
(2012 T.) Steven Gene Berry  
No. 51 Kivi Kennedy v. State of Maryland

On the day of argument, counsel are instructed to register in the Clerk's Office no later than 9:30 a.m. unless otherwise notified.

After January 14, 2014 the Court will recess until February 6, 2014.

BESSIE M. DECKER  
Clerk

[13-25-33]

# Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

## Title 30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

### Subtitle 9 COMMERCIAL AMBULANCE SERVICES

#### Opportunity for Public Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, Maryland Institute for Emergency Medical Services Systems (MIEMSS) is currently reviewing and evaluating COMAR 30.09.

Pursuant to its work plan, MIEMSS will evaluate the need to retain, amend, or repeal any obsolete or duplicative provisions based on whether the regulations are:

- Still necessary for the public interest;
- Drafted in a clear and understandable manner;
- Still supported by statutory authority and judicial opinions and consistent with federal and other State regulations;
- Still effective in accomplishing the intended purpose of the regulations; and
- Obsolete or otherwise appropriate for amendment or repeal.

MIEMSS would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on these regulations. The comments may address concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes.

Comments should be directed to Bill Adams, Director, State Office of Commercial Ambulance Licensing and Regulation, and may be sent by mail to Bill Adams, MIEMSS, 653 West Pratt Street, Baltimore, Md, 21201, by fax to 410-706-8552 or by email to [badams@miemss.org](mailto:badams@miemss.org). Comments must be received by January 6, 2014.

[13-25-20]

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

## Title 07

### DEPARTMENT OF HUMAN RESOURCES

#### Subtitle 02 SOCIAL SERVICES ADMINISTRATION

#### *07.02.08 Substance-Exposed Newborn Safe Care Plan*

Authority: *Family Law Article, §5-704.2, Annotated Code of Maryland*  
(Federal Authority: *U.S.C. 42 §5106b*)

#### Notice of Final Action

[13-290-F]

On November 18, 2013, the Secretary of Human Resources adopted new Regulations **.01 — .06** under a new chapter, **COMAR 07.02.08 Substance-Exposed Newborn Safe Care Plan**. This action, which was proposed for adoption in 40:20 Md. R. 1656—1657 (October 4, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

THEODORE DALLAS  
Secretary of Human Resources

## Title 08

### DEPARTMENT OF NATURAL RESOURCES

#### Subtitle 02 FISHERIES SERVICE

#### **08.02.03 Crabs**

Authority: Natural Resources Article, §§4-215, 4-803, 4-809, and 4-810,  
Annotated Code of Maryland

#### Notice of Final Action

[13-321-F]

On December 3, 2013, the Secretary of Natural Resources adopted amendments to Regulations **.03, .06, .07, .09, .10, .11, and .14** under **COMAR 08.02.03 Crabs**. This action, which was proposed for adoption in 40:21 Md. R. 1784 — 1788 (October 18, 2013), has been adopted as proposed.

**Effective Date: January 1, 2014.**

JOSEPH P. GILL  
Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

#### Notice of Final Action

[13-322-F]

On December 3, 2013, the Secretary of Natural Resources adopted amendments to:

(1) Regulation **.04** under **COMAR 08.02.04 Oysters**; and

(2) Regulation **.04** under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**.

This action, which was proposed for adoption in 40:21 Md. R. 1788 — 1790 (October 18, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

JOSEPH P. GILL  
Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

#### **08.02.04 Oysters**

Authority: Natural Resources Article, §§4-215 and 4-11A-12, Annotated Code of Maryland

#### Notice of Final Action

[13-320-F]

On December 3, 2013, the Secretary of Natural Resources adopted amendments to Regulation **.15** under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 40:21 Md. R. 1791—1792 (October 18, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

JOSEPH P. GILL  
Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

#### Notice of Final Action

[13-331-F]

On December 3, 2013, the Secretary of Natural Resources adopted:

(1) Amendments to Regulations **.01** and **.02** under **COMAR 08.02.05 Fish**;

(2) Amendments to Regulation **.04** under **COMAR 08.02.11 Fishing in Nontidal Waters**; and

(3) New Regulations **.01** and **.02** under a new chapter, **COMAR 08.02.25 Gear**.

This action, which was proposed for adoption in 40:21 Md. R. 1792—1797 (October 18, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 23, 2013.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following

changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 08.02.25.02B: The proposed regulation contained duplicative language and grammatical errors. These changes are considered nonsubstantive because they are stylistic and for clarification and need not be proposed anew.

### 08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

#### .02 Recreational Gear.

A. (proposed text unchanged)

B. Traps.

(1)—(2) (proposed text unchanged)

[(3)] *A trap shall be set in front of the individual's property, within 100 yards of the shore, and:*

(a) *Attached by a line to the property or a privately owned pier or dock;*

(b) *Marked by a buoy or pole and sign; or*

(c) *Attached to a boat that is not docked.]]*

[(4)] (3) (proposed text unchanged)

[(5)] (4) *A trap shall be set:*

(a) (proposed text unchanged)

(b) *By attaching the trap to a boat that is not docked.*

C.—H. (proposed text unchanged)

JOSEPH P. GILL

Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

### 08.02.11 Fishing in Nontidal Waters

Authority: Natural Resources Article, §4-602, Annotated Code of Maryland

#### Notice of Final Action

[13-319-F]

On December 3, 2013, the Secretary of Natural Resources adopted amendments to Regulation .01 under **COMAR 08.02.11 Fishing in Nontidal Waters**. This action, which was proposed for adoption in 40:21 Md. R. 1797 (October 18, 2013), has been adopted as proposed.

**Effective Date: January 1, 2014.**

JOSEPH P. GILL

Secretary of Natural Resources

## Subtitle 02 FISHERIES SERVICE

### 08.02.15 Striped Bass

Authority: Natural Resources Article, §§4-215 and 4-701, Annotated Code of Maryland

#### Notice of Final Action

[13-330-F]

On December 3, 2013, the Secretary of Natural Resources adopted amendments to Regulations .02, .04, .05, .07, and .12 under **COMAR 08.02.15 Striped Bass**. This action, which was proposed for adoption in 40:21 Md. R. 1797—1801 (October 18, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: January 1, 2014.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following

changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 08.02.15.07F: The changes to the proposed regulation meet the exception for the required reproposal of the regulation because the changes could reasonably have been anticipated by participants in the rulemaking, the changes do not decrease the benefits that will be achieved by the regulation as proposed, and the changes do not increase the burdens that would have been imposed by the regulation as proposed. The proposed regulation removed the overage tolerance in the Atlantic Ocean fishery and contained a grammatical error. The Department of Natural Resources added the overage tolerance back to the Atlantic Ocean fishery and corrected the grammatical error in the final regulation. These changes need not be proposed anew.

#### .07 Commercial Fishery.

A.—E. (proposed text unchanged)

F. General.

(1) (proposed text unchanged)

[(2)] (2) A commercial tidal fish licensee in the Atlantic Ocean fishery may not catch more than the licensee's catch limit assigned to the striped bass permit except as provided by the tolerance allowance in pounds as follows:

(a) — (b) (proposed text unchanged)

(c) For a seasonal catch limit, there is a 50-pound tolerance allowance.[]]]

[(2)] (3) A commercial tidal fish licensee registered in the Chesapeake Bay individual transferable quota fishery who exceeds their allocation by 50 pounds or less is not in violation of this chapter.

[(3)] (4) — [(4)] (5) (proposed text unchanged)

[(5)] (6) (proposed text unchanged)

JOSEPH P. GILL

Secretary of Natural Resources

## Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

### 08.18.17 Northeast River

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

#### Notice of Final Action

[13-291-F]

On November 19, 2013, the Secretary of Natural Resources adopted amendments to Regulations .01 and .02 under **COMAR 08.18.17 Northeast River**. This action, which was proposed for adoption in 40:20 Md. R. 1657 (October 4, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

JOSEPH P. GILL

Secretary of Natural Resources

# Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## Subtitle 16 HOUSING

### 10.16.05 Health Permits for Outdoor Musical Festivals

Authority: Business Regulation Article, §17-1404; Health-General Article, §§2-104(b) and (l) and 20-303; Annotated Code of Maryland

#### Notice of Final Action

[13-245-F]

On December 2, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .01 under **COMAR 10.16.05 Health Permits for Outdoor Musical Festivals**. This action, which was proposed for adoption in 40:18 Md. R. 1496 (September 6, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 24 MARYLAND HEALTH CARE COMMISSION

### 10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services—Acute Inpatient Rehabilitation Services

Authority: Health-General Article, §§19-121 and 19-109(a)(1), Annotated Code of Maryland

#### Notice of Final Action

[13-252-F-I]

On November 21, 2013, the Maryland Health Care Commission adopted amendments to Regulation .01 under **COMAR 10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services—Acute Inpatient Rehabilitation Services**. This action, which was proposed for adoption in 40:18 Md. R. 1496—1497 (September 6, 2013), has been adopted with the nonsubstantive changes to the incorporated document, shown below.

**Effective Date: December 23, 2013.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

(1) The definition of “hospital” found at .06B(9) of the incorporated document, has been deleted. This definition is surplusage because it simply makes reference to Maryland statute. Further, the definition of hospital as a facility located in Maryland is inconsistent with the inclusion of District of Columbia hospitals in the need methodology, at .05A(1) of the incorporated document. Also, the wording in review standard .04B(3) of the incorporated document, which considers whether a proposed project will have an “unwarranted adverse impact on the cost of hospital services or the financial viability of an existing provider of acute inpatient rehabilitation services” is not limited to the impact on providers or hospitals located in Maryland.

(2) The following words (underlined) have been added to the data sources listed in .05E(1)(a) and (b) of the incorporated document that make up acute rehabilitation discharges:

... The DRG codes used to count acute rehabilitation discharges may change to achieve consistency in counting these discharges, as DRG codes are updated. Notice of changes in the DRG codes used to count acute rehabilitation discharges will be published on the Maryland Health Care Commission's website and in the Maryland Register.

This added language will provide notice of updated DRG code that constitute acute rehabilitation discharges when they are renumbered or modified by the publishing body. As noted earlier in the regulation, DRG code numbers were different for the 2007-09 period than from 2010 to the present. Since the codes are renumbered or updated with some regularity, the ability to make minor adjustments of the numbers changes without amendment of the regulations will lessen confusion for the regulated industry.

JOSHUA F. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

# Title 11 DEPARTMENT OF TRANSPORTATION

## Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

### 11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §§12-104(b) and 12-301, Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

#### Notice of Final Action

[13-324-F]

On December 3, 2013, the Administrator of the Motor Vehicle Administration adopted amendments to Regulation .04 under **COMAR 11.11.05 Motor Vehicle Fees**. This action, which was proposed for adoption in 40:21 Md. R. 1835—1837 (October 18, 2013), has been adopted as proposed.

**Effective Date: January 1, 2014.**

JOHN T. KUO  
Administrator  
Motor Vehicle Administration

**Subtitle 17 MOTOR VEHICLE  
ADMINISTRATION — DRIVER  
[[LICENSING]] LICENSE AND  
IDENTIFICATION [[DOCUMENTS]]  
CARD**

***11.17.21 Proof of Age, Name, Identity, and  
Residency for Federally Noncompliant Driver  
Licenses and Identification Cards***

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2,  
16-106, 16-115, 16-121—16-122, Annotated Code of Maryland

**Notice of Final Action**

[13-323-F]

On December 3, 2013, the Administrator of the Motor Vehicle Administration adopted new Regulations **.01—.05** under **COMAR 11.17.21 Proof of Age, Name, Identity, and Residency for Federally Noncompliant Driver Licenses and Identification Cards**. This action, which was proposed for adoption in 40:21 Md. R. 1837 — 1840 (October 18, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: January 1, 2014.**

**Attorney General's Certification**

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .02B(2)—(12): Numbering was adjusted to reflect terms in alphabetical order, including (2) which added “Comptroller.”

Regulation .03A(3): Changed “Maryland Comptroller’s Office” to “Comptroller” for clarification.

Regulation .04D: Changed “Maryland Comptroller’s Office” to “Comptroller” for clarification.

**.02 Definitions.**

A. (proposed text unchanged)

B. *Terms Defined.*

(1) (proposed text unchanged)

(2) *“Comptroller” means the Comptroller of Maryland.*

[[ (2) ]] (3)—[[ (11) ]] (12) (proposed text unchanged)

**.03 Applicant's Requirements.**

A. *An applicant requesting a noncompliant Maryland license or noncompliant Maryland identification card shall provide documentation acceptable to the Administration as specified in this chapter. The documentation shall provide proof of:*

(1) — (2) (proposed text unchanged)

(3) *Maryland income tax filings for the preceding 2 years certified by the [[Maryland Comptroller’s Office]] Comptroller.*

B. (proposed text unchanged)

**.04 Source Documents for Proof of Age, Name, Identity, and Residence.**

A. — C. (proposed text unchanged)

D. *To establish proof of Maryland income tax filings for the preceding 2 tax years, the applicant shall submit a certified letter from the [[Maryland Comptroller’s Office]] Comptroller reflecting the applicant’s ITIN or SSN.*

E. (proposed text unchanged)

JOHN T. KUO

Administrator

Motor Vehicle Administration

**Title 18  
DEPARTMENT OF  
ASSESSMENTS AND  
TAXATION**

**Subtitle 02 REAL PROPERTY  
ASSESSMENTS**

**18.02.02 Valuation**

Authority: Tax-Property Article, §§2-201, 2-202, and 8-104, Annotated Code of Maryland

**Notice of Final Action**

[13-307-F]

On November 19, 2013, the Director of Assessments and Taxation adopted amendments to Regulation **.04** under **COMAR 18.02.02 Valuation**. This action, which was proposed for adoption in 40:20 Md. R. 1682—1683 (October 4, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

ROBERT E. YOUNG

Director of Assessments and Taxation

**Subtitle 05 AGRICULTURAL LAND  
TRANSFER TAX**

**18.05.01 Administration**

Authority: Tax-Property Article, §§2-201, 2-202, and 13-307, Annotated Code of Maryland

**Notice of Final Action**

[13-308-F]

On November 19, 2013, the Director of Assessments and Taxation adopted amendments to Regulation **.02** under **COMAR 18.05.01 Administration**. This action, which was proposed for adoption in 40:20 Md. R. 1683 (October 4, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

ROBERT E. YOUNG

Director of Assessments and Taxation

# Title 24

## DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

### Subtitle 05 ECONOMIC DEVELOPMENT

#### **24.05.06 Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit**

Authority: Tax-General Article, §§2-103 and 10-732; Economic Development Article, §2-108; Annotated Code of Maryland

#### Notice of Final Action

[13-306-F]

On November 19, 2013, the Secretary of Business and Economic Development adopted new Regulations .01—.13 under a new chapter, **COMAR 24.05.06 Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit**. This action, which was proposed for adoption in 40:20 Md. R. 1684—1687 (October 4, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

DOMINICK MURRAY  
Secretary of Business and Economic Development

# Title 29

## DEPARTMENT OF STATE POLICE

### Subtitle 03 WEAPONS REGULATIONS

#### **29.03.01 Regulated Firearms**

Authority: Public Safety Article, §5-105; Criminal Law Article, Title 4, Subtitle 3; Annotated Code of Maryland

#### Notice of Final Action

[13-287-F]

On November 26, 2013, the Secretary of State Police adopted the repeal of existing Regulations .01—.32 and new Regulations .01—.58 under **COMAR 29.03.01 Regulated Firearms**. This action, which was proposed for adoption in 40:19 Md. R. 1568 — 1582 (September 20, 2013), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 23, 2013.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .03A(5) and (6): Text has been added clarifying when a person who has received probation before judgment may possess a regulated firearm.

Regulations .03B and .14B: Text has been deleted referencing ammunition; it is not applicable to this regulation.

Regulation .05A: Text has been added specifying that persons who are new residents of the State prior to October 1, 2013, are exempt from this regulation.

Regulations .05B(1), .16C(1), .24D(1), .25D(1), .28B(1), .34C(1), .38C(1), .39C(1), .45C(1), .58D(4)(b) and .58F(2)(b): A Social Security number is not required on any of the applications and has been deleted as a requirement from regulations.

#### **.03 Possession.**

A. A person may not possess a regulated firearm if the person:

(1) — (4) (proposed text unchanged)

(5) Has received probation before judgment for a crime of violence, except for assault in the second degree or a case in which a person received probation before judgment for a disqualifying crime and that crime was expunged under Criminal Procedure Article, Title 10, Subtitle 1, Annotated Code of Maryland;

(6) Has received probation before judgment for a domestically related crime, as defined in Criminal Procedure Article, §6-233, Annotated Code of Maryland, except when the crime was expunged under Criminal Procedure Article, Title 10, Subtitle 1, Annotated Code of Maryland;

(7) — (16) (proposed text unchanged)

B. A person younger than 21 years old may not possess a regulated firearm [[or ammunition solely designed for a regulated firearm,]] unless the person is not otherwise prohibited from possessing a regulated firearm and is:

(1) — (5) (proposed text unchanged)

C. — D. (proposed text unchanged)

#### **.05 New Residents of the State.**

A. A person who moves into the State with the intent of becoming a resident shall register all regulated firearms within 90 days after establishing residency by submitting a registration application in the format prescribed by the Secretary. This regulation does not apply to a person who became a resident of the State prior to October 1, 2013.

B. The registration application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers; and

(2) (proposed text unchanged)

C. (proposed text unchanged)

#### **.14 Sales to Minors.**

A. (proposed text unchanged)

B. A person may not sell, rent, or transfer a regulated firearm [[or ammunition solely designed for a regulated firearm]] to a person who is younger than 21 years old.

#### **.16 Regulated Firearm Application—Generally.**

A. — B. (proposed text unchanged)

C. The regulated firearm application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

(2) — (13) (proposed text unchanged)

D. — I. (proposed text unchanged)

#### **.24 Multiple Purchases—Application.**

A. — C. (proposed text unchanged)

D. The multiple purchase application shall include:

(1) The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;

- (2) — (7) (proposed text unchanged)  
E. — F. (proposed text unchanged)

**.25 Multiple Purchases—Collectors.**

- A. — C. (proposed text unchanged)  
D. *The designated collector application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(2) — (4) (proposed text unchanged)  
E. — G. (proposed text unchanged)

**.28 Handgun Qualification License—Application.**

- A. (proposed text unchanged)  
B. *The Handgun Qualification License application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(2) — (6) (proposed text unchanged)  
C. — D. (proposed text unchanged)

**.34 Handgun Qualification License—Renewal.**

- A. — B. (proposed text unchanged)  
C. *The Handgun Qualification License renewal application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(2) — (4) (proposed text unchanged)  
D. — E. (proposed text unchanged)

**.38 Qualified Handgun Instructor License—Application.**

- A. — B. (proposed text unchanged)  
C. *The Qualified Handgun Instructor License application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(2) — (3) (proposed text unchanged)  
D. — E. (proposed text unchanged)

**.39 Qualified Handgun Instructor License—Renewal.**

- A. — B. (proposed text unchanged)  
C. *The Qualified Handgun Instructor License renewal application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers; and*  
(2) (proposed text unchanged)  
D. (proposed text unchanged)

**.45 Dealer's License—Application.**

- A. — B. (proposed text unchanged)  
C. *The dealer's license application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(2) — (9) (proposed text unchanged)  
D. — H. (proposed text unchanged)

**.58 Handguns—Shell Casings.**

- A. — C. (proposed text unchanged)

**D. Manufacturer Requirements—Replacement Handguns.**

- (1) — (3) (proposed text unchanged)  
(4) *The manufacturer shall staple the form prescribed by the Secretary to the sealed container. The form shall be available from the Firearms Registration Section. The form shall include:*  
(a) (proposed text unchanged)  
(b) *The transferee's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(c) — (e) (proposed text unchanged)  
(5) — (6) (proposed text unchanged)  
E. (proposed text unchanged)  
F. *Dealer Requirements—Shell Casing.*  
(1) (proposed text unchanged)  
(2) *The dealer shall staple the form prescribed by the Secretary to the sealed container. The form shall include:*  
(a) (proposed text unchanged)  
(b) *The transferee's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(c) — (d) (proposed text unchanged)  
(3) — (6) (proposed text unchanged)

MARCUS L. BROWN  
Secretary of State Police

## Subtitle 03 WEAPONS REGULATIONS

### 29.03.02 Handgun Permit Unit

Authority: Public Safety Article, Title 5, Subtitle 3; *Criminal Law Article*, §4-202; Annotated Code of Maryland

#### Notice of Final Action

[13-334-F]

On November 26, 2013, the Secretary of State Police adopted the repeal of existing Regulations .01—.14 and new Regulations .01—.14 under COMAR 29.03.02 Handgun Permit Unit. This action, which was proposed for adoption in 40:19 Md. R. 1583—1586, has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 23, 2013.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulations .04B(1) and .12C(1): A Social Security number is not required on any of the applications and has been deleted as a requirement from regulations.

Regulation .05C(4)(a): Text has been added clarifying the distance from a target applicants are required to shoot.

#### .04 Application.

- A. (proposed text unchanged)  
B. *The permit application shall include:*  
(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*  
(2) — (6) (proposed text unchanged)  
C. — E. (proposed text unchanged)

#### .05 Training Requirement.

- A — B. (proposed text unchanged)

*C. A Handgun Permit Training Course shall consist of a minimum of 16 hours of instruction by a Qualified Handgun Instructor for initial applicants or eight hours of instruction by a Qualified Handgun Instructor for renewal applicants, and shall include the following minimum curricula.*

(1) — (3) (proposed text unchanged)

(4) *Proficiency and Use Demonstration. Overview of handgun and firearm safety on the range, off the range, and while transporting or on duty. Orientation that demonstrates the applicant's proficiency in the operation and use of a firearm, including a shooting component in which the applicant fires live ammunition and obtains a qualifying score of 70 percent as prescribed by the Secretary. Instruction on safety shall be integrated into every phase of the training.*

(a) *Except as provided in §C(4)(b) of this regulation, the shooting component shall be at least 25 rounds and an applicant may not be required to fire in excess of 15 yards from the target during qualifications.*

(b) (proposed text unchanged)

**.12 Renewal.**

A. — B. (proposed text unchanged)

C. *The permit renewal application shall include:*

(1) *The applicant's name, address, driver's license or photographic identification soundex number, [[Social Security number,]] place and date of birth, height, weight, race, sex, eye and hair color, occupation, and home and work telephone numbers;*

(2) — (7) (proposed text unchanged)

D. — F. (proposed text unchanged)

MARCUS L. BROWN  
Secretary of State Police

## Title 33 STATE BOARD OF ELECTIONS

### Notice of Final Action

[13-300-F]

On November 21, 2013, the State Board of Elections adopted amendments to:

(1) Regulation .02 under **COMAR 33.04.01 In General**; and

(2) Regulation .03 under **COMAR 33.05.02 Voter Registration Applications**.

This action, which was proposed for adoption in 40:20 Md. R. 1731—1732 (October 4, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 08 CANVASSING

### 33.08.05 Post Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, and 11-201, Annotated Code of Maryland

### Notice of Final Action

[13-276-F]

On November 21, 2013, the State Board of Elections adopted amendments to Regulation .04 under **COMAR 33.08.05 Post Election Verification and Audit**. This action, which was proposed

for adoption in 40:19 Md. R. 1593 — 1594 (September 20, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 09 VOTING SYSTEMS — CERTIFICATION AND GENERAL REQUIREMENTS

### Notice of Final Action

[13-278-F]

On November 21, 2013, the State Board of Elections adopted amendments to:

(1) Regulations .02 and .05 under **COMAR 33.09.01 Definitions; General Provisions**; and

(2) Regulation .05 under **COMAR 33.09.03 State Board Certification — Preliminary Submissions**.

This action, which was proposed for adoption in 40:19 Md. R. 1594 (September 20, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

LINDA H. LAMONE  
State Administrator of Elections

## Subtitle 13 CAMPAIGN FINANCING

### Notice of Final Action

[13-279-F]

On November 21, 2013, the State Board of Elections adopted:

(1) Amendments to Regulation .01 under **COMAR 33.13.01 Definitions**;

(2) Amendments to Regulation .02 under **COMAR 33.13.02 Campaign Finance Report**;

(3) Amendments to Regulation .01 under **COMAR 33.13.10 Prohibitions**;

(4) New Regulations .01—.03 under a new chapter, **COMAR 33.13.12 Legislative Party Caucus Committee**; and

(5) New Regulations .01—.07 under a new chapter, **COMAR 33.13.13 Administrative Accounts**.

This action, which was proposed for adoption in 40:19 Md. R. 1594—1597 (September 20, 2013), has been adopted as proposed.

**Effective Date: December 23, 2013.**

LINDA H. LAMONE  
State Administrator of Elections

# Withdrawal of Regulations

## Title 13A STATE BOARD OF EDUCATION

### Subtitle 08 STUDENTS

#### 13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-303—7-305, 7-307, 7-308, and 8-404, Annotated Code of Maryland

##### Notice of Withdrawal

[13-301-W]

The Maryland State Board of Education withdraws the proposal to amend Regulations **.11**, **.12**, and **.15** and adopt new Regulation **.21** under **COMAR 13A.08.01 General Regulations**, as published in 40:20 Md. R. 1680—1682 (October 4, 2013). The Maryland State Board of Education voted to withdraw and repropose these regulations at their meeting on October 30, 2013, because two amendments were omitted due to an oversight. By reproposing the regulations, the public comment period will be extended through January 13, 2014.

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

## Title 29 DEPARTMENT OF STATE POLICE

### *Subtitle 09 VEHICLE TOWING*

#### *29.09.01 Vehicle Tow Services*

Authority: Public Safety Article, §2-314; Transportation Article §§13-920, 21-1111(c), 22-218.2, 22-404.3, 23-104, 23-301, and 23-302; Annotated Code of Maryland

##### Notice of Withdrawal

[13-231-W]

The Secretary of State Police withdraws the proposal to adopt new Regulations **.01** — **.15** under **COMAR 29.09.01 Vehicle Tow Services**, under a new subtitle, **Subtitle 09 Vehicle Towing**, as published in 40:19 Md. R. 1586 — 1592 (September 20, 2013). The regulations are being withdrawn and revised.

MARCUS L. BROWN  
Secretary of State Police

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 09

# DEPARTMENT OF LABOR, LICENSING, AND REGULATION

## Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS

### 09.19.02 Educational Requirements

Authority: Business Occupations and Professions Article, §§16-216, 16-220, 16-309, and 16-511, Annotated Code of Maryland

#### Notice of Proposed Action

[13-394-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to amend Regulation .04 under COMAR 09.19.02 Educational Requirements. This action was considered at a public meeting of the Commission held on August 13, 2013, notice of which was given in 40:15 Md. R. 1328 (July 26, 2013) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to clarify that if a licensee or certificate holder elects to renew a license or certificate in advance of its expiration date, a total of 42 hours of continuing education must be completed prior to filing the license or certificate renewal application. This action is being proposed in response to the Commission's determination that some licensees and certificate holders selected in continuing education audits have conveyed their belief that they had until the license or certificate expiration date to

complete the continuing education required for renewal, despite verifying on the renewal application that he or she had completed the education prior to submission of the renewal application. The existing regulation requires a renewal applicant to complete 14 hours of continuing education for each full year the applicant has been licensed or certified, with a total of 42 hours required for the 3-year license or certificate term. The proposed action clarifies that the required continuing education must be completed at the time the licensee or certificate holder submits the renewal application, even if renewal is sought prior to the expiration date of the license or certificate. An outdated reference to an earlier course hour requirement is being deleted as part of this proposal.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Patti Schott, Administrator, Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6165, or email to pschott@dlr.state.md.us, or fax to 410-333-6314. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on February 11, 2014 at 10:30 a.m., at 500 N. Calvert Street, Baltimore, MD 21202.

**.04 Continuing Education.****A. Renewal Requirements.**

(1) In order to be considered for renewal as a certified general real estate appraiser, certified residential real estate appraiser, licensed real estate appraiser, or appraiser trainee, the applicant shall have completed [an average of 10 course] 14 hours of continuing education for each [full] year or portion thereof the applicant has been certified or licensed, since the initial issuance of the license held or, if appropriate, the most recent renewal. These courses shall be approved by the Commission as set forth in this regulation.

(2) [On or after January 1, 1999, a renewal applicant shall have completed 14 hours of continuing education for each full year the applicant has been certified or licensed, including licensure as a real estate appraiser trainee, since the initial issuance of the license held or, if appropriate, the most recent renewal.] A total of *not less than* 42 hours of continuing education *during each license term* is required for renewal.

(3) A licensee or certificate holder shall complete the continuing education required by §A(1)—(2) of this regulation prior to filing any application for renewal of a license or certificate, notwithstanding the expiration date for the license or certificate to be renewed.

(4) Failure to complete the continuing education required by §A(1)—(2) of this regulation in advance of filing any application for renewal of a license or certificate may be considered by the Commission to be a violation of Business Occupations and Professions Article, §16-701(a)(1)(i), Annotated Code of Maryland, among other potential violations related to failure to complete the required continuing education hours.

GEORGE FAIR  
Chairman

Commission of Real Estate Appraisers, Appraisal  
Management Companies and Home Inspectors

## Subtitle 36 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — HOME INSPECTORS

**09.36.07 Minimum Standards of Practice**

Authority: Business Occupations and Professions Article, §§16-208(a) and 16-216, Annotated Code of Maryland

**Notice of Proposed Action**

[13-395-P]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to amend Regulations .01, .07, and .08 under **COMAR 09.36.07 Minimum Standards of Practice**. This action was considered at a public meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors held on October 8, 2013, notice of which was given in 40:19 Md. R. 1604 (September 20, 2013) pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to amend the existing home inspector standards of practice to create a definition of CSST (corrugated stainless steel tubing) in the home inspector standards of practice. This action also requires home inspectors to identify the presence of CSST in a home inspection report, if observed, and to recommend to

the client that the system be inspected by a licensed master electrician to determine whether the CSST is properly bonded.

This action is part of a national safety campaign designed to bring awareness to homeowners on the importance of proper bonding of CSST due to potential damage risks associated with lightning strikes. CSST is a flexible piping material used to distribute gas fuel service (natural gas or propane gas) to fuel burning appliances and/or components within a building. After CSST became popular in building construction, it was found that homes containing improperly grounded CSST struck by lightning created a very hazardous situation. Direct or indirect lightning strikes on or near a structure have been shown to cause an electrical surge to travel into the structure and have, in some cases, caused a perforation in the sidewall of the tubing as the energy arcs from one metallic system to another seeking ground. This arcing can ignite the pressurized gas leaking from the perforation, and in some cases, has caused a significant fire.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** There is no anticipated economic impact on licensed home inspectors. Maryland licensed master electricians may enjoy slightly increased business as a result of the inspection of property containing CSST, for which the property owner will be advised to have an electrician ensure that the CSST is properly bonded.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	
		Magnitude
D. On regulated industries or trade groups:	(+)	Slight
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(-)	Indeterminable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. Licensed master electricians may benefit as a result of inspected properties in which CSST is present and the property owner seeks to ensure that the CSST is properly bonded.

F. Homeowners whose homes have been determined to contain CSST may have to pay an electrician a fee of between \$100—\$150 to inspect the installation and bonding of the CSST. Additional costs may be incurred in cases where bonding techniques are needed to be provided by the electrician.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Patricia Schott, Administrator, Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6151, or email to pschott@dlr.state.md.us, or fax to 410-333-6314. Comments will be accepted through January 17, 2014. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors during a public meeting to be held on February 11, 2014 at 10:30 a.m., at 500 N. Calvert Street, Baltimore, Maryland 21202.

**.01 Definitions.**

- A. (text unchanged)
- B. Terms Defined.

(1)—(6) (text unchanged)

(7) *“CSST” means corrugated stainless steel tubing used as flexible gas piping in fuel distribution systems.*

[(7)] (8)—[(33)] (34) (text unchanged)

**.07 Plumbing System.**

A. A home inspector shall visually inspect the plumbing system, including:

(1)—(4) (text unchanged)

(5) Fuel storage and fuel distribution systems *for the presence of CSST*;

(6)—(8) (text unchanged)

B. A home inspector shall describe the plumbing system, including:

(1) (text unchanged)

(2) Water heating equipment, including the energy source; [and]

(3) The location of main water and main fuel shut-off valves[.]; and

(4) *The presence of CSST with the recommendation that the bonding of the CSST be reviewed by a licensed master electrician.*

C. (text unchanged)

**.08 Electrical Systems.**

A.—B. (text unchanged)

C. If applicable, a home inspector shall include in a written report the:

(1) Presence of solid conductor aluminum branch circuit wiring; [and]

(2) Absence of smoke detectors[.]; and

(3) *Presence of CSST gas piping with the recommendation that the bonding of the CSST be reviewed by a licensed master electrician.*

D. A home inspector is not required to:

(1) Inspect:

(a)—(b) (text unchanged)

(c) Low voltage wiring systems and components; [or]

(d) Ancillary wiring, systems, and components that are not a part of the primary electrical power distribution system; or

(e) *the existing bonding method for CSST; or*

(2) (text unchanged)

GEORGE FAIR  
Chairman

Commission of Real Estate Appraisers, Appraisal  
Management Companies and Home Inspectors

# Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.06 Hospital Services

Authority: Health-General Article, §2-104(b), Annotated Code of Maryland

#### Notice of Proposed Action

[13-398-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .09 under **COMAR 10.09.06 Hospital Services**.

#### Statement of Purpose

The purpose of this action is to increase Maryland Medicaid’s reimbursement for freestanding private psychiatric hospitals from 84 percent to 94 percent of the current rates for services set by the HSCRC. This change is in effect as of July 1, 2012.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed action will increase the reimbursement rate for Specialty Psychiatric Hospital providers from 84 percent to 94 percent of the current rates for services set by the HSCRC. This change has an increased cost of \$2,700,000.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:		
Mental Hygiene Administration	(E+)	\$2,700,000
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$2,700,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

B. and D. Reimbursement for Specialty Psychiatric Hospital Services at 84 percent of HSCRC rates totaling: \$22,300,000 annually. At 94 percent of HSCRC rates, program expenditures will increase by \$2,700,000 to \$25,000,000 annually.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

**.09 Payment Procedures.**

**A. Reimbursement Principles.**

(1)—(3) (text unchanged)

(4) For days of service on or after July 1, [2002] 2012, in freestanding private psychiatric hospitals in Maryland whose rates for commercial providers are set by the Health Services Cost Review Commission, the Department shall reimburse these hospitals using a prospective payment system at a rate of [84] 94 percent of the current rates for services set by the Health Services Cost Review Commission for each hospital's commercial providers in the fiscal year the prospective payments are made, unless the rates for these hospitals, in the aggregate, exceed the projected upper payment limit calculated by the Department, in which case the per diem payments to each hospital will be decreased by the same proportion that the projected upper payment limit is exceeded.

(5)—(12) (text unchanged)

**B.—C. (text unchanged)**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Subtitle 09 MEDICAL CARE  
PROGRAMS**

**10.09.84 Community First Choice**

*Authority: Health-General Article, §§2-104(b), 15-103, and 15-105,  
Annotated Code of Maryland*

**Notice of Proposed Action**

[13-399-P]

The Secretary of Health and Mental Hygiene proposes to adopt Regulations .01—.29 under a new chapter, **COMAR 10.09.84 Community First Choice**.

**Statement of Purpose**

The purpose of this action is to implement a program covering personal assistance services, emergency back-up systems, transition services, and items that substitute for human assistance, for Medicaid-eligible individuals who require an institutional level of care.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** Funding for Community First Choice (CFC) services in the Fiscal Year 2014 budget for the period January 1 through June 30, 2014 totals \$68,598,000, including \$8,231,000 in enhanced federal matching funds.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R+)	\$8,231,000
B. On other State agencies:	NONE	
C. On local governments:	(R+)	\$2,904,000
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$5,327,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The State's 6-month appropriation for services that will be covered through the CFC program during the period January 1 through June 30, 2014, is \$68,598,000 (total funds). Under the federal authority for this program, the State will claim 6% enhanced federal matching funds for these services, i.e., 56% rather than the usual 50% match. This will generate approximately \$8,231,000 additional federal revenue. The State's General Fund appropriation of \$30,183,000 is unchanged.

C. Local health departments will provide nurse monitoring for CFC participants who are enrolled in a waiver program, individuals who are receiving CFC services who would otherwise be receiving only State Plan personal care services, and State Plan personal care enrollees who are not eligible for CFC. It is projected that this will total 9,909 participants, averaging 7.52 hours of service during the 6-month period, with a payment rate of \$79.36 per hour, for a total of \$5,917,000. Compared with the \$3,013,000 they would be receiving for State Plan personal care recipients under the current monthly rate methodology, this represents an increase of \$2,904,000.

D. Enhanced federal funding in the amount of \$5,327,000 will pay for additional services for State Plan personal care recipients who will become eligible for CFC services.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows. Providers of many of the services covered under this program are small businesses that will benefit from the expanded coverage that will be available to individuals who are eligible for Medicaid under the State Plan.

**Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:

The proposal establishes a new program that will expand coverage of personal assistance and related support services under the State Plan. It also creates increased opportunities for participants to self-direct their services.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD

21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

**.01 Purpose.**

A. The purpose of Community First Choice is to provide certain home and community-based services and supports, as an alternative to institutional placements, to individuals who:

- (1) Are eligible for Medicaid under:
  - (a) A home and community-based services waiver; or
  - (b) The State Plan; and
- (2) Have been determined to require an institutional level of care.

B. Community First Choice is designed as a system of personal assistance that:

- (1) Supports participants' ability to direct their own services;
- (2) Supports participants in the home with personal assistance and other services; and
- (3) Establishes adequate rates for provider reimbursement.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

**B. Terms Defined.**

- (1) "Activities of daily living (ADLs)" means tasks or activities that include, but are not limited to:
  - (a) Bathing and completing personal hygiene routines;
  - (b) Dressing and changing clothes;
  - (c) Eating;
  - (d) Mobility, including:
    - (i) Transferring from a bed, chair, or other structure;
    - (ii) Moving, turning, and positioning the body while in bed or in a wheelchair; and
    - (iii) Moving about indoors or outdoors; and
  - (e) Toileting, including:
    - (i) Bladder and bowel requirements;
    - (ii) Routines associated with the achievement or maintenance of continence; and
    - (iii) Incontinence care.
- (2) "Applicant" means an individual who is applying to participate in the Program and receive services under this chapter.
- (3) "Assistance" means that another person:
  - (a) Physically performs the activity for the participant;
  - (b) Physically helps the participant to perform the activity;
  - (c) Is present while the participant performs the activity; or
  - (d) Cues or encourages the participant to perform the activity.
- (4) "Case management services" means services which assist an applicant or a participant in gaining access to waiver and other covered Medicaid services.
- (5) "Case manager" means a person performing case management services under a waiver program and acting in the role of the supports planner.
- (6) "Certified medication technician (CMT)" means an individual, regardless of title, who:
  - (a) Completes a 20-hour course in medication administration approved by the Maryland Board of Nursing;
  - (b) Is certified by the board under COMAR 10.39.04; and
  - (c) Performs medication administration tasks delegated by a nurse monitor in accordance with COMAR 10.27.11.
- (7) "Certified nursing assistant (CNA)" means an individual, regardless of title, who:
  - (a) Is certified by the Maryland Board of Nursing under COMAR 10.39.01; and

(b) Routinely performs delegated nursing tasks delegated by a nurse in accordance with COMAR 10.27.11.

(8) "Community First Choice" means the Medicaid home and community-based services program implemented under this chapter in accordance with the application and any amendments to it submitted by the Department and approved by the Secretary of Health and Human Services, which authorizes the provision of certain home and community-based services under the Maryland Medical Assistance Program.

(9) "Community setting" is the area, district, locality, neighborhood, or vicinity where a group of people live.

(a) A community setting provides participants with opportunities to:

- (i) Seek employment and work in competitive integrated settings;
- (ii) Engage in community life;
- (iii) Control personal resources; and
- (iv) Receive services.

(b) Community setting does not include:

- (i) Hospitals;
- (ii) Nursing facilities;
- (iii) Institutions for mental diseases;
- (iv) Intermediate care facilities for individuals with intellectual disabilities;
- (v) Community-based residential facilities for individuals with intellectual or developmental disabilities licensed under COMAR 10.22.03; or
- (vi) Other institutions.

(10) "Conflict of interest" means a real or seeming incompatibility between one's private interests and one's public or fiduciary duties.

(11) "Delegated nursing functions" means nursing services provided to a participant by an enrolled personal assistance provider under the supervision of a registered nurse in accordance with COMAR 10.27.11 or nurse practitioner in accordance with COMAR 10.27.07.

(12) "Department" means the Maryland Department of Health and Mental Hygiene, or its authorized agent acting on behalf of the Department.

(13) "Family member" means a legally responsible relative, including:

- (a) A spouse;
- (b) A parent of a minor dependent child; or
- (c) An individual who has full and unrestricted powers of guardianship.

(14) "Fiscal intermediary" means an agency that is under contract with the Department to provide fiscal intermediary services that provides certain services performed on behalf of the Department or the participant, or both, such as:

(a) Employer-related payroll functions, such as State and federal tax withholding, withholding of union dues, and Social Security withholding; and

(b) Verification of eligible services and providers to be reimbursed by the Program, including preauthorizations in some instances.

(15) "Home" means the participant's place of residence in a community setting.

(16) "Individual's representative" means a parent, family member, guardian, advocate, or other authorized representative of an individual.

(17) "Institution" means an establishment that furnishes, in single or multiple facilities, food, shelter, and some treatment or services to four or more individuals unrelated to the proprietor.

(18) *"Instrumental activities of daily living (IADLs)" means tasks or activities that include, but are not limited to:*

- (a) *Preparing meals;*
- (b) *Performing light chores that are incidental to the personal assistance services provided to the participant;*
- (c) *Shopping for groceries;*
- (d) *Nutritional planning;*
- (e) *Traveling as needed;*
- (f) *Managing finances and handling money;*
- (g) *Using the telephone or other appropriate means of communication;*
- (h) *Reading; and*
- (i) *Planning and making decisions.*

(19) *"Local health department" means the local agency which, in accordance with COMAR 10.09.30 and this chapter:*

- (a) *Assesses applicants;*
- (b) *Reassesses participants at least every 12 months, or upon a significant change of health status;*
- (c) *Participates on a multidisciplinary team to develop an applicant's plan of care; and*
- (d) *Participates on a multidisciplinary team to review, and revise as necessary, a participant's plan of care at least every 12 months.*

(20) *"Medicaid" means the Maryland Medical Assistance Program, administered by the State of Maryland under Title XIX of the Social Security Act, which provides comprehensive medical and other health-related care for categorically eligible and medically needy participants.*

(21) *"Medically necessary" means that the service or benefit is:*

- (a) *Directly related to diagnostic, preventive, curative, ameliorative, palliative, or rehabilitative treatment of an illness, injury, disability, or health condition;*
- (b) *Consistent with current accepted standards of good medical practice;*
- (c) *The most cost efficient service that can be provided without sacrificing effectiveness or access to care; and*
- (d) *Not primarily for the convenience of the participant, the participant's family, or the provider.*

(22) *"Nurse" means an individual who is currently licensed to practice nursing in the State under COMAR 10.27.*

(23) *"Nurse monitor" means a registered nurse who assesses participants and evaluates the delivery of care.*

(24) *"Nursing facility" means a facility which is participating in the Maryland Medical Assistance Program as a nursing facility pursuant to COMAR 10.09.10.*

(25) *"Participant" means an individual who:*

- (a) *Has been determined to meet the qualifications for participation in Community First Choice as specified in Regulation .04 of this chapter; and*
- (b) *Is enrolled with the Department to receive Medicaid services.*

(26) *"Participant-employed" means a person employed by the participant who will render personal assistance services and meets requirements of Regulation .06 of this chapter.*

(27) *"Person-centered" means that the plan reflects what is important to the individual, what is important for his or her health and welfare, and developed with input from the individual and the individual's representative when applicable.*

(28) *"Personal assistance provider agency" means a public or private agency that:*

- (a) *Employs or contracts with personal assistance providers; and*
- (b) *Has been enrolled by the Program as a provider of personal assistance services.*

(29) *Personal Assistance Services.*

(a) *"Personal assistance services" means assistance specific to the functional needs of a participant with a chronic illness, medical condition, or disability and includes assistance with activities of daily living and instrumental activities of daily living.*

(b) *"Personal assistance services" includes the performance of some delegated nursing functions.*

(30) *"Plan of service" means the written person-centered support plan developed by the applicant or participant with support from the supports planner and the individual's representative, when applicable.*

(31) *"Preauthorization" means an approval required from the Department or its designee before services can be rendered.*

(32) *"Program" means the Medical Assistance Program.*

(33) *"Provider" has the same meaning as defined in COMAR 10.09.36.*

(34) *"Provider agreement" means a contract between the Department and the provider for rendering the services under this chapter.*

(35) *"Quality plan" means the plan developed by the Department to address quality assurance and oversight.*

(36) *"Recommended plan of care" means the recommended service plan developed by a nurse after a face-to-face assessment of an applicant or participant.*

(37) *"Self-direct" means a consumer-controlled method of selecting and providing services and supports that allows the individual maximum control of the home and community-based personal assistance services and supports, with the individual acting as the employer of record with necessary supports to perform that function, or the individual having a significant and meaningful role in the management of a provider of service when services are provided by an agency.*

(38) *"Supports planner" means an individual who coordinates services, including:*

- (a) *Supporting development of a person-centered plan of service;*
- (b) *Interacting with third parties on behalf of, or in conjunction with, the applicant or participant; and*
- (c) *The responsibility for ensuring an accurate plan of service is provided to the Department.*

(39) *"Telephonic timekeeping system" means a system developed by the Department that certain providers are required to use to accurately time stamp the start and finish of services provided to a participant.*

### **.03 Requirements for Provider Licensing or Certification.**

A. *The following health professionals providing services under this chapter shall be licensed to practice in the jurisdiction in which services are rendered:*

- (1) *Physicians;*
- (2) *Registered nurses;*
- (3) *Licensed practical nurses;*
- (4) *Licensed vocational nurses;*
- (5) *Certified medication technicians;*
- (6) *Certified nursing assistants;*
- (7) *Occupational therapists;*
- (8) *Physical therapists;*
- (9) *Speech pathologists;*
- (10) *Nutritionists; and*
- (11) *Dietitians.*

B. *The following shall be appropriately licensed, certified, or approved by the Department to provide services under this chapter:*

- (1) *Licensed home health agency under COMAR 10.09.04;*
- (2) *Certified residential services agency under COMAR 10.07.05;*

(3) *Medical Assistance personal assistance provider under COMAR 10.09.20;*

(4) *A personal assistance provider who renders personal assistance services in his or her home under COMAR 10.07.14; and*

(5) *Nursing Referral Service Agency under COMAR 10.07.07.*

**.04 Participant Eligibility.**

A. To be eligible for participation, a participant shall be determined by the Department to:

(1) *Require the level of care provided in a hospital, nursing facility, or an intermediate care facility for individuals with intellectual disabilities; and*

(2) *Be eligible for the Maryland Medical Assistance Program under an eligibility group defined in COMAR 10.09.24.*

B. To be eligible for participation, a participant must have an active plan of service. The plan of service shall:

(1) *Be based on:*

(a) *The assessment and recommended plan of care; and*

(b) *Consultation from the applicant or participant;*

(2) *Address the applicant's or participant's needs;*

(3) *Specify the items and services needed to safely support the participant in the community, including:*

(a) *A plan for receiving personal assistance services in case of an emergency; and*

(b) *Specific requests for items or services that substitute for human assistance;*

(4) *Specify the name of the personal assistance provider or agency providing personal assistance services; and*

(5) *Include the signature of the participant, the individual's representative if applicable, the supports planner, and the personal assistance provider listed within the plan of service.*

C. A participant's eligibility for services shall be re-evaluated by the Department every 12 months, or more frequently if needed due to a significant change in the participant's condition or needs.

D. Participant eligibility shall be terminated if the participant:

(1) *No longer meets the required level of care;*

(2) *No longer resides at home;*

(3) *Is without personal assistance services for 30 days;*

(4) *Voluntarily chooses, or the participant's legal representative chooses on the participant's behalf, to disenroll from the Program;*

(5) *Moves to another state;*

(6) *Is an inpatient for 30 consecutive days or more in an institutional setting, including but not limited to a chronic hospital or nursing facility; or*

(7) *Dies.*

**.05 Conditions for Provider Participation — General Requirements.**

A. To participate as a provider of a service covered under this chapter, a provider shall:

(1) *Meet all of the conditions for participation as a Maryland Medical Assistance Program provider as set forth in COMAR 10.09.36, except as otherwise specified in this chapter;*

(2) *Verify the qualifications of all individuals who render services on the provider's behalf, and provide a copy of the current license or credentials upon request;*

(3) *Implement the reporting and follow-up of incidents and complaints in accordance with the Department's established policy by:*

(a) *Reporting incidents and complaints within 24 hours of knowledge of the event;*

(b) *Submitting a written report within 7 calendar days on a form designated by the Department; and*

(c) *Notifying the local department of social services immediately if the provider has a reason to believe that the participant has been subjected to abuse, neglect, self-neglect, or exploitation, in accordance with COMAR 07.02.16;*

(4) *Agree to cooperate with required inspections, reviews, and audits by authorized governmental representatives;*

(5) *Agree to provide services, and to subsequently bill the Department in accordance with the reimbursement methodology specified in this chapter, for only those services covered under this chapter which have been:*

(a) *Pre-approved in the participant's plan of service;*

(b) *Provided in a manner consistent with the participant's plan of service; and*

(c) *Identified in the provider agreement as within the scope of the provider's Medicaid participation;*

(6) *Agree to maintain and have available written documentation of services, including dates and hours of services provided to participants, for a period of 6 years, in a manner approved by the Department;*

(7) *Agree not to suspend, terminate, increase, or reduce services for an individual without authorization from the Department and with consultation and agreement from the participant or a participant's representative when applicable;*

(8) *Submit a transition plan to the case manager or supports planner and participant or participant's representative when applicable when suspending or terminating services;*

(9) *Demonstrate substantial, sustained compliance with the requirements of this chapter for at least 24 months after a cited deficiency which presented serious danger to participants' health and safety;*

(10) *Verify Medicaid eligibility at the beginning of each month that services will be rendered; and*

(11) *Not be a Medicaid provider or principal of a Medicaid provider that has overpayments that remain due to the Department.*

B. To participate as a provider of a service covered under this chapter, a provider or its principals may not, within the past 24 months, have:

(1) *Had a license or certificate suspended or revoked as a health care provider, health care facility, or provider of direct care services;*

(2) *Been suspended or removed from participating as a Medicaid provider under COMAR 10.09.20;*

(3) *Undergone the imposition of sanctions under COMAR 10.09.36.08;*

(4) *Been subject to disciplinary action, including actions by the licensing board or any provider or principal of any provider agency;*

(5) *Been cited by a State agency for deficiencies which affect participants' health and safety; or*

(6) *Experienced a termination of a Medicaid provider agreement or been barred from work or participation by a public or private agency due to:*

(a) *Failure to meet contractual obligations; or*

(b) *Fraudulent billing practices.*

C. A provider who renders health-related services to participants shall agree to:

(1) *Periodically indicate the condition of a participant in accordance with the procedures and forms designated by the Department; and*

(2) *Share and discuss the documented information at the request of the participant.*

**.06 Specific Conditions for Provider Participation — Personal Assistance Services.**

A. To participate in the Program as a consumer-employed provider of personal assistance services under this chapter, unless otherwise exempted under §E of this regulation, a personal assistance provider shall:

- (1) Be at least 18 years old;
- (2) Be legally eligible for employment rendering personal assistance services in the State;
- (3) Be able to communicate, read, write, and follow directions in English;
- (4) Be currently certified by an organization recognized by the Board of Nursing to provide training in the following areas:
  - (a) Cardiopulmonary resuscitation; and
  - (b) Basic first aid;
- (5) Accept instruction and training on the personal assistance services required in the participant's plan of service from the following:
  - (a) The participant;
  - (b) The nurse monitor;
  - (c) The supports planner;
  - (d) A treating physician;
  - (e) Other involved professionals; and
  - (f) A Department representative;
- (6) Be selected by the participant;
- (7) Submit to a pre-employment criminal background investigation for which the prospective provider shall:
  - (a) Submit an application for a criminal history record check to the Criminal Justice Information System Office, Department of Public Safety and Correctional Services; and
  - (b) Direct the Department of Public Safety and Correctional Services to send the criminal history report to the Department;
- (8) Agree to use a telephonic timekeeping system to:
  - (a) Document time; and
  - (b) Submit claims for payment.
- (9) Understand and carry out the participant's plan of service;
- (10) If performing delegated nursing functions, be supervised by a nurse monitor in accordance with COMAR 10.27.11; and
- (11) Before rendering services to any participant, be determined by the nurse monitor to be competent to perform any delegated nursing tasks.

B. To participate in the Program as a consumer-employed provider of personal assistance services a personal assistance provider may not:

- (1) Be the participant's family member;
- (2) Have been convicted of, received a probation before judgment for, or entered a plea of nolo contendere to, a felony or any crime involving moral turpitude or theft, or have any other criminal history that indicates behavior which is potentially harmful to participants; or
- (3) Be cited on the Board of Nursing Alert or any other registries with a determination of abuse, misappropriation of property, financial exploitation, or neglect.

C. An agency that provides personal assistance services shall:

- (1) Employ individuals to provide personal assistance services who meet the conditions of §§A and B of this regulation;
- (2) Employ a registered nurse who may delegate nursing tasks to a CNA or CMT in accordance with COMAR 10.27.09 and 10.27.11;
- (3) Either provide services directly through their employees or arrange for the provision of services under the direction of the individual receiving services;
- (4) Allow participants to have a significant role in the selection and dismissal of the providers of their choice, for the delivery of their

specific care, and for the services and supports identified in their person-centered service plan;

- (5) Be licensed as a:
  - (a) Residential Service Agency under COMAR 10.07.05;
  - (b) Home Health Agency under COMAR 10.07.10; or
  - (c) Nursing Referral Service Agency under COMAR 10.07.07;
- (6) Notify the Department in writing at least 45 days in advance of any:
  - (a) Voluntary closure;
  - (b) Change of ownership;
  - (c) Change of location;
  - (d) Sale of the business;
  - (e) Change in the name under which the provider is doing business; or
  - (f) Change in provider tax identification number;
- (7) Include in the notice to the Department the method for informing participants and representatives of its intent to close, change ownership, change location, or sell its business;
- (8) Include in the notice to the Department, and inform participants and representatives, of the transition plan developed by the agency to ensure continuity of services to participants;
- (9) Apply for a new license if applicable, whenever ownership is to be transferred from the person or organization named on the license to another person or organization in time to assure continuity of services; and
- (10) Submit a Medicaid provider application to the Department if the new owner chooses to participate in the Program.

D. A consumer-employed or agency-employed provider of personal assistance services who performs delegated nursing services in accordance with COMAR 10.27.11 shall:

- (1) If required to administer medications in accordance with the plan of service, be a certified medications technician; and
- (2) If performing other delegated nursing functions, also be a certified nursing assistant.

E. Exemptions.

- (1) Subject to approval by the Department, consumer-employed providers of personal assistance services may be exempted from the qualifications of §§A(2), (4), (5), (8), and B(2) of this regulation, if:
  - (a) The exemption is made at the request of the participant that the provider serves; and
  - (b) The exemption request is submitted in a format designated by the Department.

(2) Providers that have been exempted from any qualification may only serve the participant or participants who have requested the exemption.

(3) The Department may:

- (a) Grant conditional exemptions; and
- (b) Revoke exemptions for cause.

F. If requested by the agency or applicant to provide personal assistance services the Department may waive the provisions of §B(2) of this regulation if the agency or applicant demonstrates that:

- (1) The conviction, probation before judgment, or a plea of nolo contendere to a felony or any crime involving moral turpitude or theft was entered more than 10 years before the date of the provider application; and
- (2) The criminal history does not indicate behavior that is potentially harmful to participants.

**.07 Specific Conditions for Provider Participation — Supports Planning Services.**

To participate in the Program as a supports planning provider under Regulation .15 of this chapter, a provider shall:

A. Be identified by the Department through a solicitation process and agree to be monitored by the Department; or

B. Be the Area Agency on Aging enrolled to provide case management services under COMAR 10.09.54.

**.08 Specific Conditions for Provider Participation — Consumer Training.**

To participate in the Program as a provider of consumer training under Regulation .16 of this chapter, a provider shall:

- A. Be a self-employed trainer or an agency that employs qualified trainers in accordance with §B of this regulation;
- B. Have demonstrated experience with the skill being taught; and
- C. Be willing to meet at the participant's home to provide services.

**.09 Specific Conditions for Provider Participation — Personal Emergency Response Systems.**

To participate in the Program as a provider of personal emergency response systems under Regulation .17 of this chapter, a provider shall:

- A. Be the store, vendor, organization, or company which sells, rents, installs, services, or operates the device or service;
- B. Provide or arrange for any installation, maintenance, training, or monitoring required for the device or system;
- C. Ensure that any response center is:
  - (1) Responsible for monitoring and responding to a notification of an emergency by the system; and
  - (2) Adequately staffed 24 hours a day, 7 days a week by properly trained staff; and
- D. Submit reports to the Department regarding activation and participant use no less than monthly or at a greater frequency as requested by the Department.

**.10 Specific Conditions for Provider Participation — Items or Services that Substitute for Human Assistance.**

A. To participate in the program as a provider of items or services that substitute for human assistance, the provider shall:

- (1) Be approved and monitored by the Department;
- (2) Provide or arrange for any installation, maintenance, training, or monitoring required for the proper operation of the device or system, if applicable; and
- (3) Receive a referral from the participant, participant's case manager, or supports planner, based on services preauthorized in the plan of service.

B. To participate in the Program as a provider of home-delivered meals, the provider shall:

- (1) Use a cooking facility or food preparation site that has a food service license issued by the local health department, in accordance with COMAR 10.15.03, or an appropriate license from the state in which the site is located; and
- (2) Be approved for each licensing renewal based on inspections performed by State sanitarians in accordance with COMAR 10.15.03, or by the licensing authority in the state in which the site is located.

C. To participate in the Program as a provider of assistive devices, equipment, or technology services, the provider shall be one of the following entities:

- (1) A Program provider of disposable medical supplies and durable medical equipment under COMAR 10.09.12; or
- (2) The store, vendor, organization, or company which sells or rents the equipment or system, subject to Department approval.

**.11 Specific Conditions for Provider Participation — Environmental Assessments.**

To participate in the Program as a provider of environmental assessments under Regulation .19 of this chapter, the provider shall:

- A. Be a licensed occupational therapist, or an agency or professional group employing a licensed occupational therapist;

B. Receive a referral from the participant's supports planner, based on services preauthorized in the plan of service; and

C. Document the provider's findings and recommendations on a form approved by the Program.

**.12 Specific Conditions for Provider Participation — Nurse Monitoring.**

To participate in the Program as a nurse monitoring provider under Regulation .20 of this chapter, a provider shall:

- A. Be designated by the Department through a process approved by the Centers for Medicare and Medicaid Services in accordance with §1915(b)(4) of the Social Security Act;
- B. Employ or contract with registered nurses who hold a current professional license to practice in Maryland;
- C. Agree to accept all referrals from the Department; and
- D. Agree to be monitored by the Department.

**.13 Covered Services — General.**

The Program shall reimburse for the services specified in Regulations .14—.21 of this chapter, when, pursuant to the requirements of this chapter, these services have been pre-approved by the Department in the participant's plan of service, billed in accordance with the payment procedures in Regulation .24 of this chapter, and documented as necessary to prevent institutionalization.

**.14 Covered Services — Personal Assistance.**

A. Definition. "Unit of service" means a 15-minute increment of service that is approved in the plan of service and rendered to a participant by a qualified provider in the participant's home or a community setting.

B. The Program covers the following services when provided by a personal assistance provider:

- (1) Assistance with activities of daily living;
- (2) Delegated nursing functions if this assistance is:
  - (a) Specified in the participant's plan of service; and
  - (b) Rendered in accordance with the Maryland Nurse Practice Act, COMAR 10.27.11, and other requirements of the Maryland Board of Nursing;
- (3) Assistance with tasks requiring judgment to protect a participant from harm or neglect;
- (4) Assistance with or completion of instrumental activities of daily living, provided in conjunction with the services covered under §B(1)—(3) of this regulation; and
- (5) Assistance with the participant's self-administration of medications, or administration of medications or other remedies, when ordered by a physician.

C. Personal assistance services may not include:

- (1) Services rendered to anyone other than the participant or primarily for the benefit of anyone other than the participant;
- (2) The cost of food or meals prepared in or delivered to the home or otherwise received in the community; or
- (3) Housekeeping services, other than those incidental to services covered under §B of this regulation.

**.15 Covered Services — Supports Planning.**

A. Definition. "Unit of service" means a 15-minute increment of service that is approved by the Department and rendered to a participant by a qualified provider.

B. Supports planning services shall:

- (1) Address the individualized needs of the participant;
- (2) Be sensitive to the educational background, culture, and general environment of the participant;
- (3) Support the participant to self-direct services; and
- (4) Allow participant's to exercise as much control as desired to select, train, supervise, schedule, determine duties, and dismiss the personal assistance provider.

C. Supports planning services include time spent by a qualified provider conducting any of the following activities:

(1) Assisting the participant in developing a person-centered plan of service in consultation with the applicant or participant and any individual requested by the participant.

(2) Assisting the participant with referral, access, and coordination of services, both Medicaid and non-Medicaid, to address the participant's needs including, but not limited to:

(a) Behavioral health;

(b) Educational services;

(c) Disposable medical supplies and durable medical equipment;

(d) Housing;

(e) Medical services; and

(f) Social services;

(3) Monitoring the provision of services to determine if services are received in accordance with the plan of services;

(4) Using information technology systems developed by the Department;

(5) Coordinating with the fiscal intermediary to assist in managing budgeted resources;

(6) Providing guidance and support to help individuals self-direct their services; and

(7) Verifying the participant's eligibility and at the beginning of each month that personal assistance services will be rendered.

#### **.16 Covered Services — Consumer Training.**

A. Definition. "Unit of service" means 15 minutes of service rendered by a qualified provider to a participant, not including the time spent by the provider:

(1) Planning, preparing, or setting up the training; or

(2) Following up after the training.

B. Consumer training includes instruction and skill building in such areas including, but not limited to, acquisition, maintenance, and enhancement of skills necessary for the participant to accomplish ADLs and IADLs.

C. The topics covered by consumer training shall be:

(1) Targeted to the individualized needs of the participant receiving the training; and

(2) Sensitive of the educational background, culture, and general environment of the participant receiving the training.

#### **.17 Covered Services — Personal Emergency Response Systems.**

A. Definition. "Unit of service" means any of the following coverages related to a device, system, or piece of equipment covered under §B of this regulation:

(1) Purchase and installation;

(2) Monthly cost of a covered system or rented device or equipment, including monitoring, maintenance, and repair.

B. A personal emergency response system is an electronic device or system which enables a participant to secure help in an emergency and may include but is not limited to:

(1) A device connected to the participant's telephone or other device and programmed to signal, upon activation of a help button, a response center with properly trained staff on duty 24 hours a day, 7 days a week;

(2) A portable help button to allow for the participant's mobility; and

(3) A motion detector when necessary for the participant's safety.

#### **.18 Covered Services—Items or Services that Substitute for Human Assistance.**

A. The program covers items or services that increase a participant's independence or substitute for human assistance, to the

extent that expenditures would otherwise be made for the human assistance.

B. Each item or service shall:

(1) Be preauthorized in the participant's plan of service as necessary to:

(a) Prevent the participant's institutionalization or hospitalization; and

(b) Ensure the participant's health, safety, and independence;

(2) Specifically relate to ADLs or IADLs within the approved plan of service;

(3) Comply with policies and procedure guidance defined by the Department;

(4) Meet necessary standards of manufacture, design, usage, and installation, if applicable;

(5) Be provided in accordance with applicable State and local building codes and pass required inspections, if applicable; and

(6) Not be prescribed primarily to provide comfort or convenience.

C. Each item or service shall be confirmed by the Program as not covered for the participant by:

(1) Medicaid under the State Plan as durable medical equipment or pharmacy services under COMAR 10.09.03, 10.09.12, or 10.09.67;

(2) Medicare; or

(3) Any other third-party payer.

D. Excluded from coverage under this regulation are adaptations or improvements to the home which:

(1) Are of general maintenance, such as carpeting, roof repair, and central air conditioning;

(2) Are not of direct medical or remedial benefit to the participant;

(3) Add to the home's total square footage; or

(4) Modify the exterior of the home, other than the provision of ramps.

#### **.19 Covered Services — Environmental Assessments.**

A. Definition. "Unit of service" means the completion of an on-site environmental assessment of a home or residence where the participant lives or will live as a participant.

B. An environmental assessment may not be provided before the effective date of the participant's eligibility for services.

C. The service may be recommended by a multidisciplinary team in the plan of service for a participant when an environmental assessment is considered necessary to:

(1) Ensure the health and safety of a participant with special environmental needs; and

(2) Obtain additional professional advice from an occupational therapist about the:

(a) Physical structure of a participant's home or residence; and

(b) Functional or mental limitations or disabilities of a participant as they relate to the environment.

D. Included in the environmental assessment, as necessary, may be:

(1) An evaluation of the presence and likely progression of a disability or a chronic illness or condition in a participant;

(2) Environmental factors in the facility or home;

(3) The participant's ability to perform activities of daily living;

(4) The participant's strength, range of motion, and endurance; and

(5) The participant's need for assistive devices and equipment.

E. Based on an inspection of the home and interviews with the participant and any individual requested by the participant, the

provider shall complete a form, to be reviewed by the supports planner, which details the provider's findings and recommendations, especially relating to a participant's need for services.

#### **.20 Covered Services — Nurse Monitoring.**

A. Definition. "Unit of service" means a 15-minute increment of service that is approved by the Department and rendered to a participant by a qualified provider.

B. The program covers the following services when provided by a nurse monitor:

- (1) Developing provider instructions for personal assistance;
- (2) Instructing the individual providing personal assistance services concerning the services required under the participant's provider instructions, and about conditions which should be brought to the attention of the supports planner, nurse monitor, or personal physician;
- (3) Availability to give instruction and to answer questions;
- (4) Complying with the Department's reportable events policy; and
- (5) Maintaining an up-to-date client profile in an electronic database designated by the Department.

C. The Program covers nurse monitoring services according to the following schedule:

- (1) Contact with the participant for the purpose of reviewing participant status at a minimum of every 6 months with at least one in-person home or workplace visit every 12 months; and
- (2) Additional nurse monitoring services in accordance with COMAR 10.27.09 and 10.27.11 at a frequency established in conjunction with the participant, and the representative when applicable, based on the participant's medical condition or clinical status.

#### **D. Home and Workplace Visits.**

(1) The nurse monitoring provider shall use the home or workplace visit for the following purposes:

- (a) To assess the participant's condition;
- (b) To delegate nursing tasks to a CNA or CMT in accordance with COMAR 10.27.09 and 10.27.11;
- (c) To assess the quality of personal assistance services;
- (d) To provide instruction and training to the individual providing personal assistance services; and
- (e) To determine the need for discharge from personal assistance services or referral to other services.

(2) The nurse monitor shall assess the quality of personal assistance services by:

- (a) Reviewing the provider instructions;
- (b) Observing the interactions and relationship between the participant and the individual providing personal assistance services;
- (c) Observing the performance of the individual providing personal assistance services; and
- (d) Evaluating the performance of individuals to whom nursing tasks have been delegated.

#### **.21 Covered Services — Transition Services.**

A. Definition. "Transition service" means a service that is:

- (1) Not otherwise available under the Program;
- (2) Approved in the plan of service; and
- (3) Rendered to assist the participant in transitioning from an institution or a provider-owned residence to a home or community-based residence.

B. Transition services may include all or some of the following:

- (1) Security deposits;
- (2) Essential furnishings and moving expenses;
- (3) Set-up fees or deposits for utility services; and
- (4) Other health and safety assurances.

C. Transition services may not include recreational items including, but not limited to:

- (1) Televisions;
- (2) Cable television access; or
- (3) Gaming systems.

#### **.22 Conditions for Reimbursement.**

The Program shall reimburse for the services specified in Regulations .14—.21 of this chapter, if provided in accordance with the requirements of this chapter and if the service:

A. Is recommended on the participant's plan of service as necessary in order to:

- (1) Prevent the applicant's or participant's admission to an institution;
- (2) Safely transition the applicant or participant from an institution, such as a nursing facility, into the community; or
- (3) Assure the health and safety of an applicant or participant in the community;

B. Has been pre-approved by the Department in the participant's plan of service;

C. Is provided to an enrolled participant;

D. Is medically necessary; and

E. Is provided by a Medicaid provider who meets the conditions for participation under this chapter.

#### **.23 Limitations.**

A. Reimbursement for Personal Emergency Response System is limited to participants who:

- (1) Live alone; or
- (2) Have no regular caregiver for extended parts of the day and would otherwise require extensive routine supervision to ensure the participant's health and safety.

B. The Department shall establish a budget for personal assistance services that may be included in the participant's plan of services, based upon each participant's assessment of need.

C. The Program does not cover the following services:

- (1) Service primarily for the purpose of housekeeping or unrelated to the participant's activities of daily living, such as:
  - (a) Cleaning of floor and furniture in areas not occupied by the participant;
  - (b) Laundry other than that incidental to services for the participant; and
  - (c) Shopping for groceries or household items unless in the company of the participant;
- (2) Services provided by providers not approved for participation by the Department;
- (3) Expenses incurred while escorting participants:
  - (a) To obtain medical diagnosis or treatment;
  - (b) To or from the participant's workplace; or
  - (c) For participation in social or community activities;
- (4) Expenses related to room and board for either the participant or the personal assistance provider.

#### **.24 Payment Procedures.**

A. Request for Payment — Personal Assistance Services. To receive payment as a provider of personal assistance services under Regulation .14 of this chapter, a provider shall use the telephonic timekeeping system approved by the Department to:

- (1) Document time; and
- (2) Submit claims.

B. Request for Payment — All Other Covered Services. To receive payment as a provider of services covered under Regulations .15—.21 of this chapter, a provider shall submit claims in accordance with procedures outlined in the Department's billing manual.

C. Billing time limitations are set forth in COMAR 10.09.36.06.

**D. Payments.**

(1) Payments for services rendered to a participant shall be made:

- (a) Directly to a qualified provider; or
- (b) Through a fiscal intermediary who shall:

(i) Verify that expenditures are allowable according to a participant's plan of service and budget; and

(ii) Deduct fees and taxes as appropriate;

(2) Providers shall be paid the lesser of:

(a) Their usual and customary charge to the general public; or

(b) The rate established according to the fee schedule published by the Department.

**E. Rates.**

(1) The Department shall publish a fee schedule for services covered under this chapter which shall be publicly available and updated at least annually or upon any changes made by the Department;

(2) The Program's rates as specified in the Department's fee schedule shall increase on July 1 of each year, subject to the limitations of the State budget, by the lesser of:

(a) 2.5 percent; or

(b) The percentage of the annual increase in the March Consumer Price Index for All Urban Consumers, all items component, Washington-Baltimore, from U.S. Department of Labor, Bureau of Labor Statistics.

**.25 Recovery and Reimbursement.**

Recovery and reimbursement are as set forth in COMAR 10.09.36.07.

**.26 Cause for Suspension or Removal and Imposition of Sanctions.**

Cause for suspension or removal and imposition of sanctions shall be as set forth in COMAR 10.09.36.08.

**.27 Appeal Procedures — Providers.**

Appeal procedures shall be as set forth in COMAR 10.09.36.09.

**.28 Appeal Procedures — Applicants and Participants.**

Appeal procedures for applicants and participants are those set forth in:

A. COMAR 10.09.24.13; and

B. COMAR 10.01.04.

**.29 Interpretive Regulation.**

Interpretive regulatory requirements shall be as set forth in COMAR 10.09.36.10.

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

# Subtitle 57 BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

**Notice of Proposed Action**

[13-404-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation .01 under **COMAR 10.57.04 Continuing Education**; and

(2) Regulation .01 under **COMAR 10.57.07 Fees**.

This action was considered the Board for the Certification of Residential Child Care Program Professionals at a public meeting on September 13, 2013, notice of which was given by publication in 40:18 Md. R. 1525 (September 6, 2013), pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to prorate the initial application fee and the required amount of continuing education units for applicants for certification as a residential child care program administrator.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The Board estimates that there may be a slight indeterminate drop in revenue, due to the one-time proration of the renewal fee. The proration will result in a slight indeterminate benefit to applicants.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)	Indeterminate
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Indeterminate
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. and D. It is estimated that the Board will lose some revenue due to the prorating of initial application fees, but as this would be a one-time proration and dependent upon the annual number of applicants for initial certification (which cannot be predicted), it is not likely to have a significant impact on the Board's ability to carry out its functions. There will also be a corresponding benefit to applicants due to both the fee proration and the continuing education unit (CEU) proration which cannot be determined at this time.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

**10.57.04 Continuing Education**

Authority: Health Occupations Article, §20-205, Annotated Code of Maryland

**.01 Conditions of Certification Renewal; Continuing Education Units Required.**

A. The Board shall renew a certificate for an additional 2-year period if the certified program administrator:

(1)—(2) (text unchanged)

(3) Submits to the Board:

(a) (text unchanged)

(b) Satisfactory evidence of having completed:[, within the 2-year period before the renewal date, a minimum of 40 continuing education units approved by the Board]

(i) *For a certificate holder who obtained initial certification 2 years to 18 months before the renewal date, 40 continuing education units approved by the Board;*

(ii) *For a certificate holder who obtained initial certification within 18 months to 1 year before the renewal date, 30 continuing education units approved by the Board;*

(iii) *For a certificate holder who obtained initial certification within 1 year to 6 months before the renewal date, 20 continuing education units approved by the Board; and*

(iv) *For a certificate holder who obtained initial certification within 6 months before the renewal date, 10 continuing education units approved by the Board.*

B. (text unchanged)

**10.57.07 Fees**

Authority: Health Occupations Article, §20-206, Annotated Code of Maryland

**.01 Fee Schedule.**

The following fees are established by the Board:

A. Residential Child Care Program Administrators:

(1) [Initial application. . . \$200] *The Board shall prorate the initial application fee for applicants who apply for initial certification in the following manner:*

(a) *Within 2 years to 18 months of the renewal date . . . \$200;*

(b) *Within 18 months to 1 year of the renewal date . . . \$150;*

(c) *Within 1 year to 6 months of the renewal date . . . \$100;*

and

(d) *Within 6 months of the renewal date . . . \$50;*

(2)—(8) (text unchanged)

B.—C. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

# Title 11

## DEPARTMENT OF TRANSPORTATION

### Subtitle 19 MOTOR VEHICLE ADMINISTRATION — SCHOOL VEHICLES

**11.19.02 Type I School Vehicles — Construction Standards**

Authority: Transportation Article, §§11-173, 12-104(b), and 25-110;  
Education Article, §7-808; Annotated Code of Maryland

**Notice of Proposed Action**

[13-400-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulations .20 and .32 under **COMAR 11.19.02 Type I School Vehicles — Construction Standards**.

**Statement of Purpose**

The purpose of this action is to update measurements for the required size of lettering on a school bus in the figures illustrated within the regulations. In addition, this action clarifies when a door may not be placed to the left of the driver

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to [tsheffield@mdot.state.md.us](mailto:tsheffield@mdot.state.md.us), or fax to 410-768-7506. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

**.20 Color and Identification (Lettering).**

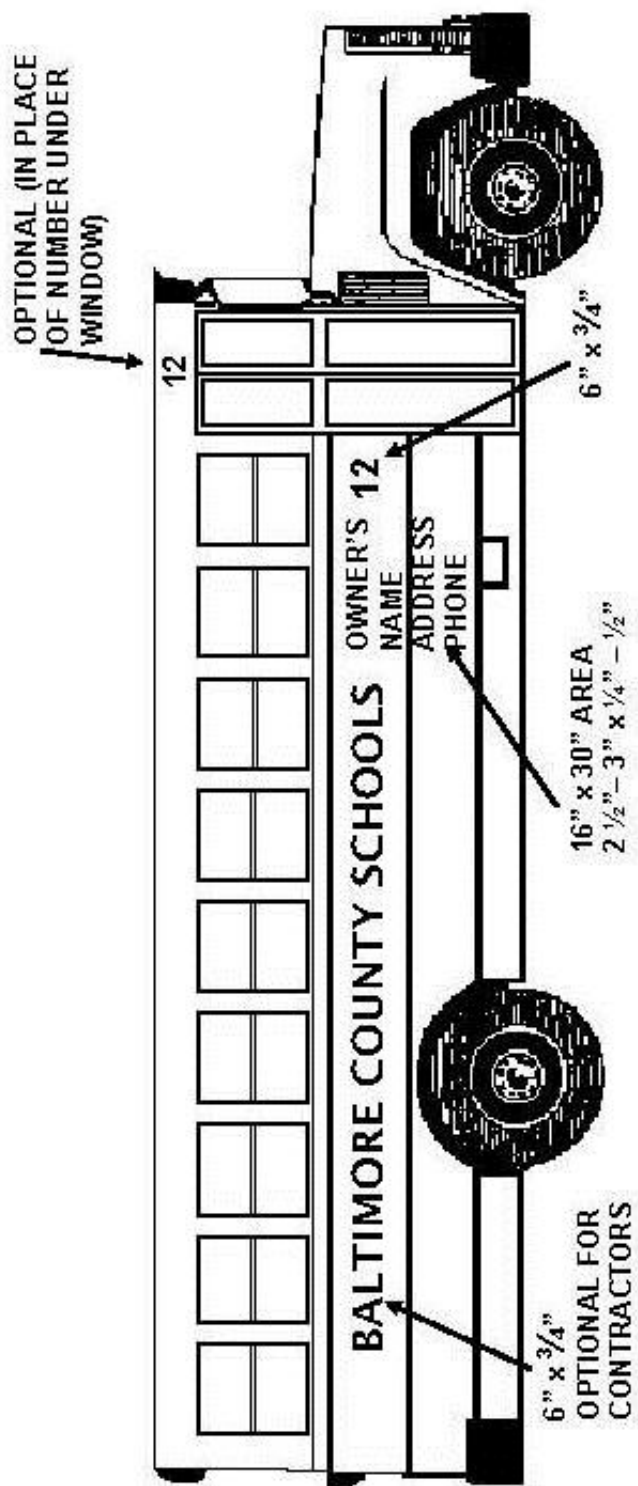
A. — I. (text unchanged)

J. Roof Identification Number. Identification numbers on the roof may be used. If used, they shall be:

(1) — (3) (text unchanged)

**Existing Figures 1 — 3 are being proposed for repeal.**

**New Figures 1 — 3 appear below.**

**FIGURE 1**

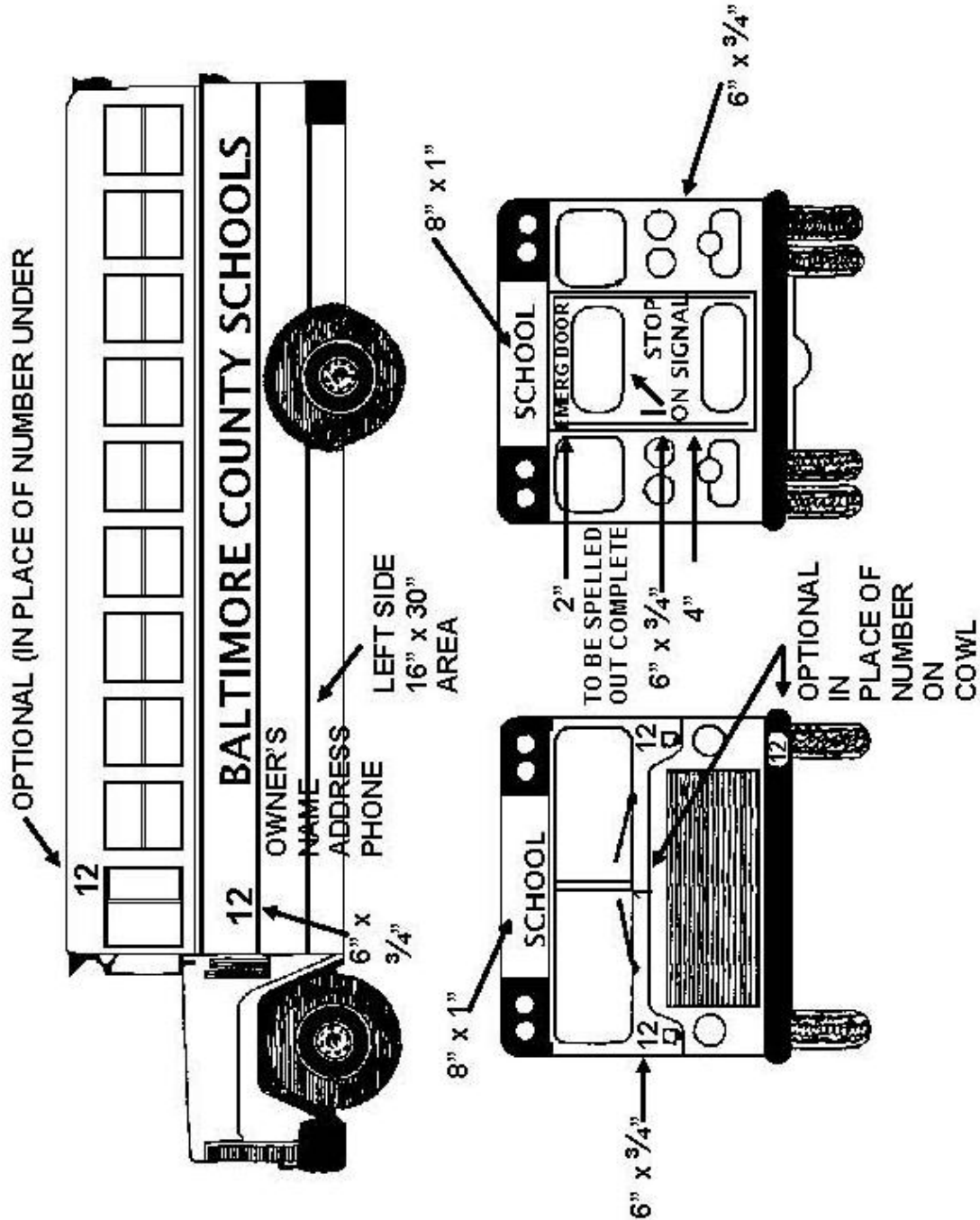
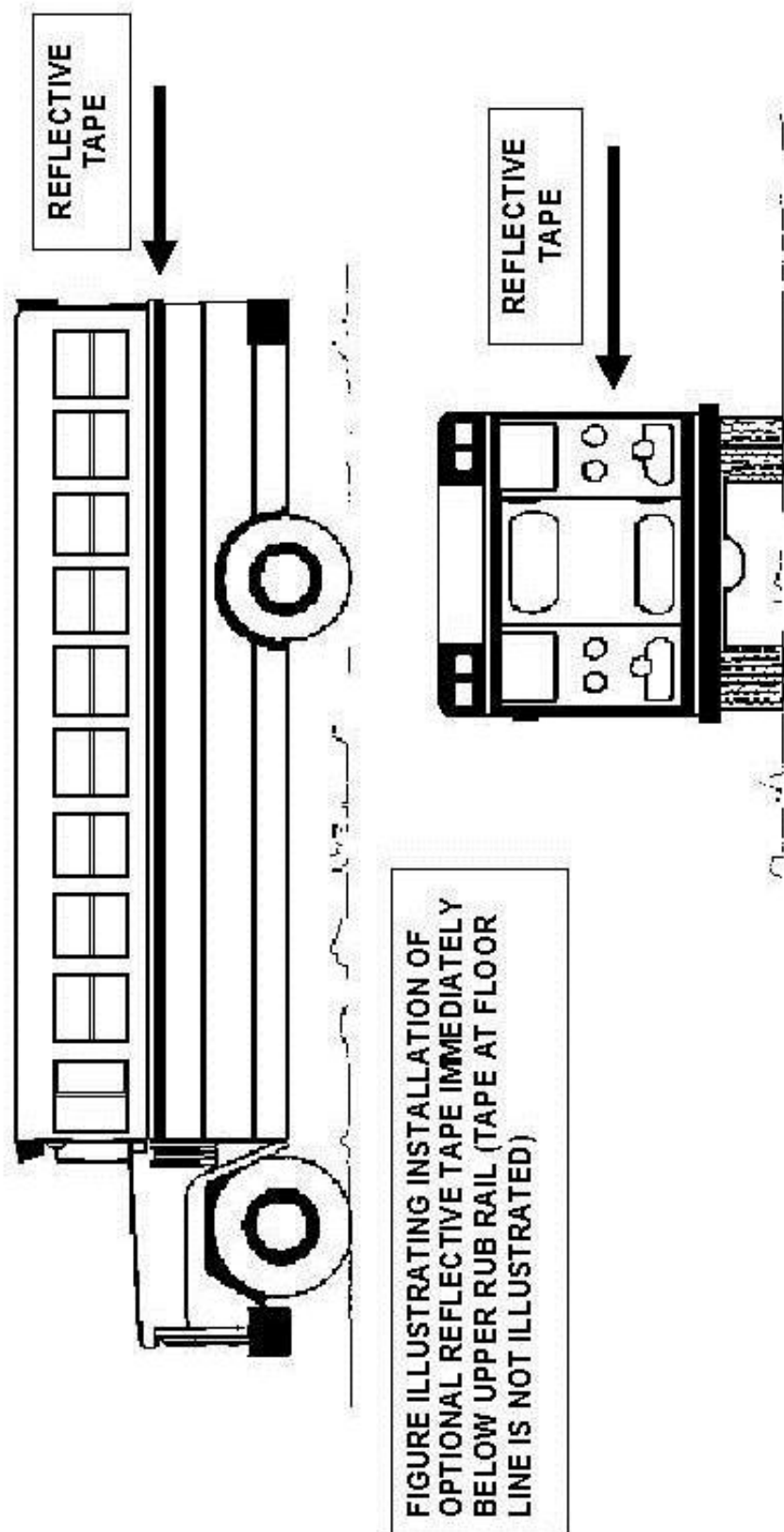


FIGURE 2

**FIGURE 3**

**.32 Service Doors, Emergency Windows, Doors, and Exits.**

**A. Service Door.**

(1) (text unchanged)

(2) There may not be a door to the left of the driver *on vehicles with a gross vehicle weight rating greater than 21,500 pounds.*

(3) — (9) (text unchanged)

**B. — E. (text unchanged)**

JOHN T. KUO

Administrator

Motor Vehicle Administration

# **Title 13A** **STATE BOARD OF** **EDUCATION**

## **Subtitle 08 STUDENTS**

### **13A.08.01 General Regulations**

Authority: Education Article, §§2-205, 7-303—7-305, 7-307, 7-308, and 8-404, Annotated Code of Maryland

#### **Notice of Proposed Action**

[13-402-P]

The Maryland State Board of Education proposes to amend Regulations **.11**, **.12**, and **.15** and adopt new Regulation **.21** under **COMAR 13A.08.01 General Regulations**. This action was considered at the Maryland State Board of Education on October 30, 2013.

#### **Statement of Purpose**

The purpose of this action is to is to have each local board of education adopt a set of discipline policies and regulations that: (1) Address school safety; (2) Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior; (3) Are designed to keep students in school so that they may graduate college and career ready; (4) Provide for disciplinary policies based on the use of discretion; (5) Explain why and how long-term suspensions or expulsions are last resort options; and (6) Explain how the education and counseling needs of suspended students will be met.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed addition to COMAR 13A.08.01.11(F)(1)(b), Minimum Education Services, requires assigning a school staff person the responsibility of serving as a liaison between teachers and the suspended student or his/her parents. Recognizing the current fiscal situation at both the State and local levels, there are a variety of low-cost options to meet the liaison requirement, including assigning an additional planning period to a teacher, and/or designating this duty to a portion of a current administrator or counselor's job responsibilities if they have not already done so. The use of technology is another way to ensure that suspended students are able to continue their instructional program while out of school. Currently, most local school systems have instructional portals through Blackboard or Schoolmax, which allow class work and instructional materials to be posted and accessed by students and parents.

Since COMAR 13A.08.01.03 Lawful Absence was adopted, suspension from school has been deemed a lawful absence. COMAR 13A.08.01.05(B)(5), Student Attendance Policy, has required that

each local school system institute make-up work requirements including classroom teacher and student responsibilities, time limits, and grading policy for make-up work. The proposed addition to COMAR 13A.08.01.11(F)(1)(b), Minimum Education Services, strengthens that existing requirement by adding an explicit liaison component. The proposed regulation requires a liaison between teachers and suspended students or his/her parents. Some schools and districts already have an identified person who serves the liaison role during the suspension process. The Dropout Prevention/School Completion Intervention/Resource Guide (2011) contains a listing of alternative schools and programs reported by local school systems. Twenty-two school systems reported they provide either alternative programming and/or alternative school assignments to suspended students.

The proposed addition of data collection in COMAR 13A.08.01.12 and .15 requiring annual reporting of school arrests and referrals to law enforcement agencies or to the juvenile justice system will require changes to the Maryland Student Records System Manual and the collection of new data. The Department is able to absorb these costs through its current data collection systems.

Local school systems might experience economic impact by having to update their student data collection systems to record school arrests and referrals to law enforcement agencies or to the juvenile justice system. Estimated costs would vary depending on the local school systems' budget and technology systems.

The addition of COMAR 13A.08.01.21, Reducing and Eliminating Disproportionate/Discrepant Impact, will require the Department to enter into a contract with experts to design a Disproportionate Impact Model and analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. Current studies done by the Department are being expanded to include this new requirement.

Revenue (R+/R-)

#### **II. Types of Economic Impact.**

Expenditure (E+/E-) Magnitude

A. On issuing agency: NONE

B. On other State agencies: NONE

C. On local governments:

Costs on local education agency

(E+)

Minimal

Benefit  
Cost (-)

(+)

Magnitude

D. On regulated industries or trade groups:

NONE

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

#### **III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

C. For the school systems that currently have alternative education programs in place, the expense of providing education services to suspended/expelled students is already included in their budgets. Twenty-two of the 24 local education agencies report that they have alternative programs and/or schools currently in place. These program staff could serve the role of liaison.

### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Robert A. Murphy, M.Ed., Specialist, Specialist School Completion, Discipline, and Alternative Programs, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0305 TTY: 410-333-6442, or email to rmurphy@msde.state.md.us, or fax to 410-333-8148. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

### Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 28, 2014, at 200 West Baltimore Street, Baltimore, MD 21201.

### .11 Disciplinary Action.

A. Local [Regulations. Each local board of education shall adopt a set of regulations designed to maintain an environment of order and discipline necessary for effective learning. These regulations should provide for counseling and standards for appropriate disciplinary measures, and may permit suspension or expulsion.] *Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014—2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:*

- (1) *Reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) *Be designed to keep students connected to school so that they may graduate college and career ready;*
- (3) *Describe the conduct that may lead to in-school and out-of-school suspension or expulsion;*
- (4) *Allow for discretion in imposing discipline;*
- (5) *Address the ways the educational and counseling needs of suspended students will be met; and*
- (6) *Explain why and how long-term suspensions or expulsions are last-resort options.*

B. Terms Defined. In this regulation, the following terms have the meanings indicated:

- (1) (text unchanged)
- (2) “Expulsion” means[, at a minimum,] the [removal] exclusion of the student from the student’s regular school program [and may be further defined by a local board of education.] *for 45 school days or longer, which only may occur under the following circumstances:*
  - (a) *The superintendent or designated representative has determined that the student’s return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff;*
  - (b) *The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and*
  - (c) *The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.*
- (3) “Extended suspension” means the [temporary removal] exclusion of a student from [school for a specified period of time longer than 10 school days for disciplinary reasons by the local

superintendent or the local superintendent’s designated representative.] *a student’s regular program for a time period between 11 and 45 school days, which only may occur under the following circumstances:*

(a) *The superintendent or designated representative has determined that:*

(i) *The student’s return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students and staff; or*

(ii) *The student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.*

(b) *The superintendent or designated representative limits the duration of the exclusion to the shortest period practicable; and*

(c) *The school system provides the excluded student with comparable educational services and appropriate behavioral support services to promote successful return to the student’s regular academic program.*

(4) (text unchanged)

(5) “Long-term suspension” means the removal of a student from school for a time period between 4 and 10 school days for disciplinary reasons by the principal.

[(5)] (6) (text unchanged)

[(6)] (7) “Short-term suspension” means the removal of a student from school for up to but not more than [10] 3 school days for disciplinary reasons by the principal.

[(7)] (8) “Suspension” means the application of extended suspension, in-school suspension, [or] short-term suspension, or long-term suspension.

### C. Suspension and Expulsion.

[(1)] In those instances when the behavior of a student is disruptive and detrimental to the operation of the school, the student may be suspended or expelled.]

[(2)] (1)—[(3)] (2) (text unchanged)

[(4)] (3) Suspension for More than 10 Days or Expulsion.

(a)—(b) (text unchanged)

(c) If after the investigation the local superintendent or designated representative finds that [a longer] *an extended* suspension or an expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student’s parent or guardian.

(d) *The process described in §C(3)(a)—(c) of this regulation shall be completed by the 10th school day of the initial suspension. If additional time is necessary to complete the process, either because of delays due to parent or guardian unavailability or due to the complexity of the investigation, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the student’s return to school would pose an imminent threat of serious harm to other students or staff.*

(e) *If the student is not allowed to return to school after the 10th day, the superintendent or designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry and send a copy of the notice to the State Superintendent of Schools;*

[(d)] (f) If after the conference the local superintendent or designated representative finds that [a] *an extended* suspension [of more than 10 school days] or an expulsion is warranted, the student or the student’s parent or guardian may[:]

[(i)Appeal] *appeal* to the local board within 10 days after the determination[:].

[(ii)] Be heard before the local board or its designated committee; and

(iii) Bring counsel and witnesses to the hearing.]

(g) *If an appeal is filed, the local board or its designated committee or hearing officer shall have 45 days from the date the appeal was received to hear the appeal and issue a decision, as follows:*

(i) *This timeline period may be extended if the parent, guardian, or his/her representative requests additional time; and*

(ii) *This timeline shall also apply in the event that the local board elects to use a hearing examiner.*

(h) *If due to extraordinary circumstances or unusual complexity of a particular appeal, the local board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.*

(i) *The student or the student's parent or guardian or representative:*

(i) *Shall be provided the school system's witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and*

(ii) *May bring counsel and witnesses to the hearing.*

[(e)] (j)—[(g)] (l) (text unchanged)

[(5)] (4) (text unchanged)

(5) *A student suspended or expelled from school shall be allowed to return to school on the day that the terms and conditions of the suspension or expulsion are met whether or not the student, parent, or guardian has filed an appeal of the suspension.*

(6)—(7) (text unchanged)

(8) *A local superintendent may deny attendance to a student who is currently expelled or on extended suspension from another school system for a length of time equal to that expulsion or extended suspension. A school system shall forward information to another school system relating to the discipline of a student, including information of an expulsion or extended suspension of the student, on receipt of the request for information.*

D.—E. (text unchanged)

F. *Minimum Education Services. In order to establish accountability and keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at a minimum provide that:*

(1) *Each student suspended or expelled out-of-school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher, which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and*

(2) *Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.*

G. *Education Services During Short-Term Suspensions.*

(1) *For short-term suspensions, the local board of education shall inform all schools under their jurisdiction:*

(a) *To provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty; and*

(b) *To provide all students who receive short-term suspensions, and their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement described in §G(1)(a) is met.*

(2) *All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school's established policy and practice for makeup work in the event of any other excused absence.*

## **.12 Arrests on School Premises.**

A.—E. (text unchanged)

F. *Beginning in the 2015–2016 school year, data on school arrests shall be reported in a manner and format developed by the Department, in consultation with local school systems, and approved by the State Board.*

## **.15 Reporting Delinquent Acts.**

A.—B. (text unchanged)

C. *Beginning in the 2015–2016 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by the Department, in consultation with local school systems, and approved by the State Board.*

## **.21 Reducing and Eliminating Disproportionate/Discrepant Impact.**

A. *The Department shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.*

B. *The Department may use the discrepancy model to assess the impact of discipline on special education students.*

C. *If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.*

D. *The local school system will report its progress annually to the State Board.*

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

# **Title 22 STATE RETIREMENT AND PENSION SYSTEM**

## **Subtitle 01 GENERAL REGULATIONS**

### **22.01.14 Applications for Service Retirement**

Authority: State Personnel and Pensions Article, §21-110, Annotated Code of Maryland

#### **Notice of Proposed Action**

[13-403-P]

The Board of Trustees for the State Retirement and Pension System proposes to amend Regulation .03 under **COMAR 22.01.14 Applications for Service Retirement**. This action was considered by the Board of Trustees for the State Retirement and Pension System at an open meeting held on September 17, 2013, notice of which was given by publication on the website for the Maryland State Retirement and Pension System pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to amend regulations controlling applications for service retirements. Specifically, these amendments deal with applications for service retirement for former members who are eligible to retire at the time of separation from employment. The language is clarifying in nature and eliminates redundant language.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Anne Gawthrop, Director of Legislative Affairs, State Retirement Agency, 120 E. Baltimore Street, Baltimore, MD 21202, or call 410-625-5602, or email to agawthrop@sra.state.md.us, or fax to 410-468-1710. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the Board of Trustees for the Maryland State Retirement and Pension System during a public meeting to be held on to January 21, 2014, at 10 a.m., at 120 E. Baltimore Street, Baltimore, Maryland 21202.

**.03 Retirement Application.****A. Application Required.**

(1) — (2) (text unchanged)

(3) Submission Date.

(a) Except as provided in §A(3)(b) and (c) of this regulation, a retirement application is *considered* submitted on the *last day of the month immediately prior to the date* that it is received by the administrative offices of the Retirement Agency at the mailing address provided on the retirement application.

(b) In the case of a member who is retiring upon separation from employment, a retirement application is considered submitted on the *last day of the month immediately prior to the date* that it was properly acknowledged by a notary public if the application is submitted to the Retirement Agency by the member's employing agency within 60 days of the notarization date.

(c) (text unchanged)

**B. Commencement of Retirement Benefits.**

(1) — (2) (text unchanged)

(3) A *member or former member* who [was] is eligible to retire at the time of separation from employment may not retire with a normal *service* retirement allowance, early service retirement allowance, or special early service retirement allowance until the later of:

(a) The first day of the month after the member or former member [becomes eligible to retire] *is separated from employment*; or

(b) (text unchanged)

(4) Except as provided in §B(5) of this regulation, a member or former member who retires with a normal *service* retirement allowance, early service retirement allowance, or special early service retirement allowance may not receive benefits for the period before the member or former member submitted a properly completed retirement application.

(5) (text unchanged)

R. DEAN KENDERDINE  
Executive Director  
State Retirement Agency

**Title 26****DEPARTMENT OF THE ENVIRONMENT****Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE****26.04.02 Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System is Not Available**

Authority: Environment Article, §9-216, 9-217, 9-223, 9-252, 9-510, 10-103, 10-301, 10-304 Annotated Code of Maryland

**Notice of Proposed Action**

[13-396-P]

The Secretary proposes to repeal existing Regulations .01—.12 and adopt new Regulations .01—.12 under **COMAR 26.04.02 Sewage Disposal and Certain Water Systems for Homes and Other Establishments in the Counties of Maryland Where a Public Sewage System is Not Available**.

**Statement of Purpose**

The purpose of this action is to update regulations for on-site sewage disposal to be consistent with current state-of-the-art practices for installing on-site sewage disposal systems that both protect public health and the waters of the State. The new regulations update and clarify the language of the existing regulation, provide a new section on regulating septage, condense loading rates for the design of on-site sewage disposal systems, and codify existing guidance on at-grade systems, holding tanks, and large on-site sewage disposal systems.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action condenses the loading rates for the design of on-site sewage disposal systems. Under some site conditions this may result in a slightly larger system. However most jurisdictions already require that system installation larger than the minimum permitted by COMAR. In very rare circumstances the new loading rates may result in a lower lot yield in a subdivision or the denial of a building permit for an existing lot. The reduction in the number of developable lots is too low to estimate.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Minimal

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

F. In very rare circumstances the new loading rates may result in a lower lot yield in a subdivision or the denial of a building permit for an existing lot. The reduction in the number of developable lots is too low to estimate.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Jay Prager, Deputy Director, Wastewater Permits Program, MDE, Water Management Administration, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3780, or email to Jay.Prager@maryland.gov, or fax to 410-537-3163. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

#### .01 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Approving Authority" means the Secretary of the Department of the Environment or the Secretary's designee.

(2) "Aquifer" means any formation of soil, sand, rock, gravel, limestone, sandstone, or other material, or any crevice from which underground water is or may be produced.

(3) "At-grade system" means an on-site sewage disposal system utilizing a raised bed of gravel over the natural soil surface with a distribution system constructed so as to distribute sewage equally along the length of the gravel bed..

(4) "Best Available Technology for Removal of Nitrogen (BAT)" means a technology that has been approved by the Department as a best available technology for removing nitrogen from onsite sewage disposal systems.

(5) "Certified service provider" means an individual who is certified by the Department to perform operation and maintenance on BAT systems.

(6) "Chemical toilet" means a toilet arranged to receive the nonwater-carried human waste directly into a deodorizing and liquefying chemical in a watertight tank.

(7) "Cistern" means a covered tank in which rain water from roof drains is stored for household or other purposes.

(8) "Community sewerage system" means any system, whether publicly or privately owned, serving two or more individual lots for the collection and disposal of domestic sewage or domestic sewage combined with industrial waste including various devices for the treatment of that sewage.

(9) "Community water supply system" means a source of water and distribution system, including treatment facilities and storage facilities whether publicly or privately owned, serving two or more individual lots.

(10) "Confined aquifer" means an aquifer bounded above and below by beds of distinctly lower permeability than that of the aquifer itself and which contains ground water under pressure greater than that of the atmosphere. This term is synonymous with the term "artesian aquifer".

(11) "Contamination" means the introduction into water of any substance, which may transfer infectious agents or other foreign substances (organic, inorganic, radiological, or biological), in concentrations which may constitute a health hazard or impair the usefulness of the water.

(12) "Controlled hazardous substance" means a substance identified as a hazardous substance by the Department of the Environment pursuant to Environment Article, Title 7, Subtitle 2, Annotated Code of Maryland, and COMAR 26.13.01.03B(26).

(13) "Conventional on-site sewage disposal system" is a system that meets current regulations and includes a sewage treatment unit or BAT with standard trench or deep trench subsurface irrigation, a seepage pit on-site disposal or a sand mound system under Regulation .05 of this chapter, or an at-grade system under Regulation .05 of this chapter.

(14) "County water and sewer plan" means a comprehensive plan and all amendments and revisions of it as required by Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland, for the provision of adequate water and sewerage systems, whether publically or privately owned throughout the county, including towns, municipal corporations, and sanitary districts in the county.

(15) "Deep trench" means a trench having perforated pipe in which the trench side wall and bottom area are used to calculate the absorptive area in the system design. At least 2 inches of gravel/stone covers the pipe and extends throughout the depth of absorptive side wall to the trench bottom.

(16) "Domestic sewage" means the liquid or water carried wastes derived from dwellings, including floating homes, business buildings, institutions, and the like, exclusive of wastes derived from industrial processes.

(17) "Floating home" means any vessel, whether self-propelled or not, which is:

(a) Used, designated, or occupied as a permanent dwelling unit, place of business, or for any private or social club, including a structure constructed upon a barge primarily immobile and out of navigation or any structure which functions substantially as a land structure while the same is moored or docked within Maryland; and

(b) Which has a volume coefficient greater than 3,000 square feet based upon the ratio of the habitable space of a vessel measured in cubic feet and the draft of a vessel measured in feet of depth.

(18) "Fall line" means the contact between the unconsolidated sediments of the coastal plain physiographic province and the crystalline rocks of the Maryland Piedmont physiographic province (see the map of Maryland Physiographic Provinces and Their Divisions in this chapter), and is approximated by the line connecting the numerous waterfalls and rapids in adjacent streams.

(19) "Flood plain soils" are those soils that are listed in the soil survey as either having a flood hazard or being susceptible to flooding.

(20) "Grease interceptor" means a receptacle designed to collect and retain grease and fatty substances normally found in kitchen or similar wastes.

(21) "Ground water" means underground water in a zone of saturation.

(22) "Hazardous substance" means any matter:

(a) That conveys toxic, lethal, or sublethal effects to plant, aquatic, or animal life, or which may be injurious to human health, or persists in the environment; or

(b) Which causes sublethal alterations to aquatic, plant, animal, or human systems through their cumulative or immediate reactions.

(23) "Holding tank" means a watertight receptacle which is used, or intended to be used, for the collection of sewage.

(24) "Liquid waste hauler" means a person engaged in the business of cleaning and emptying septic tanks, holding tanks, seepage pits, privies, or any other on-site disposal facility.

(25) "Mobile home" means a structure that can be used with or without a permanent foundation, is transportable in one or more sections, built on a permanent chassis, and is designed to be used as a dwelling when connected to the required utilities.

(26) "Non-conventional on-site sewage disposal systems" are experimental systems and innovative technologies not currently described in these regulations that are undergoing evaluation by the Department of the Environment and the Approving Authority.

(27) "On-site disposal" means the disposal of sewage effluent beneath the land surface.

(28) "On-site sewage disposal system" means a sewage treatment unit, collection system, disposal area, and related appurtenances related to on-site sewage disposal.

(29) "Percolation test" means a procedure used to determine the rate of movement of water through soil at the depth of installation of a proposed on-site sewage disposal system.

(30) "Permeability" means the capability of a soil, rock, aquifer, or confining bed to transmit waters or air.

(31) "Person" means an individual, partnership, firm, corporation, cooperative enterprise, or a governmental agency.

(32) "Pollution" means any contamination or other alteration of the physical, chemical, or biological properties of any ground or surface waters of this State, including a change in temperature, taste, color, turbidity, or odor of the waters or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance onto the ground surface or into any waters of this State that will render the ground or waters harmful or detrimental to:

(a) Public health, safety, or welfare;

(b) Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses;

(c) Livestock, wild animals, or birds; or

(d) Fish or other aquatic life.

(33) "Potable water" means water which is free from substances or agents which may cause disease or harmful physiological effects, and which complies with the bacteriological and chemical quality requirements of COMAR 26.04.01 and 26.04.04.

(34) "Privy" means an earth or watertight pit or receptacle for receiving nonwater-carried human wastes over which is placed a privy house containing a seat or seats.

(35) "Sand mound system" means an on-site sewage disposal system utilizing a raised bed of sand fill with a distribution system constructed so as to distribute sewage equally into the sand fill.

(36) "Seepage pit" means a dug or drilled hole extending into porous soils for the purpose of introducing sewage effluent into the ground.

(37) "Septage" means the liquid and solid material pumped or removed from chemical toilets, septic tanks, seepage pits, privies, cesspools, or holding tanks when the system is cleaned and maintained.

(38) "Septic tank" means a watertight receptacle which receives the discharge of sewage from a building sewer or part of it and is designed and constructed to permit the settling and the digestion of the organic matter by anaerobic bacterial action.

(39) "Sewage" means water-carried human, domestic and other wastes and includes all human and animal excreta.

(40) "Sewage treatment unit" means a device designed and constructed to receive sewage and to provide treatment to reduce organic and inorganic matter and includes septic tanks, BAT, aerobic treatment units, or any other approved devices.

(41) "Sewer" means the system of pipes, lift stations, and other appurtenances that receive and convey sewage and is designed to exclude stormwater, surface water, and ground water.

(42) "Site evaluation" means the inventory and review of all site characteristics pertinent to on-site sewage disposal systems including topography, geology, surface and subsurface drainage, seasonal high water table, drinking water sources and wells, proximity to waters of the State, soil evaluation and percolation tests.

(43) "Soil evaluation" means a description of the physical properties of a soil including color, texture, structure, limiting horizons, and percolation rates.

(44) "Soil survey" means the scientific inventory of soil maps, soil unit descriptions, classification in the national system, and interpretation for use, as conducted by the National Cooperative Soil Survey by the United States Department of Agriculture, Natural Resources Conservation Service, in cooperation with the Maryland Agricultural Experiment Station.

(45) "Spring" means groundwater seeping out of the earth where the water table intersects the ground surface.

(46) "Standard trench" or shallow trench means a trench having either at least 6 inches of gravel or stone beneath and at least 2 inches over the perforated pipe or at least 6 inches air space beneath an open chamber. Only the bottom area is used to calculate the absorptive area in the design of a standard trench..

(47) "Stream" means a perennial or intermittent watercourse of groundwater origin.

(48) "Subsurface sewage disposal" means the process of on-site sewage disposal in which the sewage effluent is applied to land by distribution beneath the surface through perforated pipes or pressurized pipes and includes a standard trench, deep trench, sand mound or at-grade system.

(49) "Unconfined aquifer" means an aquifer not bounded above by a bed of distinctly lower permeability than that of the aquifer itself and containing ground water under pressure approximately equal to that of the atmosphere. This term is synonymous with the term "water table aquifer".

(50) "Unconsolidated material" means uncemented soil and sediment material having not more than 70 percent coarse fragments (greater than 2 millimeters) by weight or 50 percent coarse fragments (greater than 2 millimeters) by volume. Volume is estimated by visual comparison with a standard chart.

(51) "Water supply system" means a system that provides water for human consumption through pipes or other constructed conveyances and includes all sources of water that are or may be used as potable water including wells, springs, cisterns, or other sources and their appurtenances, such as, pitless adaptors, pumps, pressure tanks, water lines, and treatment and storage facilities.

(52) "Well" means any hole that extends more than 20' below the ground surface to explore for ground water, to obtain or monitor ground water, or to inject water into any underground formation from which ground water may be produced or to transfer heat to or from the ground or groundwater.

## **.02 General Provisions.**

A. The requirements of this chapter apply to new on-site sewage disposal systems and non-community water supply systems, replacements, additions to existing systems, repair or replacement of an existing system and any potential changes in the strength or volume of the sewage entering an on-site sewage disposal system.

B. If a community sewerage system is adequate and economically available to the building to be served, the Approving Authority may require a connection to the system.

C. On-Site Disposal System.

(1) Notwithstanding any other provision of this regulation, the Department may approve an on-site sewage disposal system:

(a) For a lot or parcel that was recorded and approved by the Department on or before November 17, 1985 if it meets the Department's regulations and policies that were in effect on November 17, 1985, and has at least one replacement system area.

(b) For a lot or parcel that was recorded and approved by the Department on or before November 18, 1985 and was approved subject to a 10,000 square foot or greater disposal area, if it meets the other requirements and policies that were in effect on November 17, 1985. However, if a lot was approved subject to a 10,000 square foot disposal area, this disposal area is required.

(c) For a lot that was recorded without Department approval before November 18, 1985, if it meets the other requirements of this regulation except that:

(i) Only area sufficient for an initial and one replacement system is required for the lot's initial dwelling unit. A 10,000 square foot area sufficient for an initial system installation and two replacement systems is required for each additional dwelling unit.

(ii) If the Department has approved a county's groundwater protection plan, a sewage disposal system may be installed with less than a 4-foot treatment zone in a coastal plain county if the system complies with a groundwater protection report incorporated in the county's master water and sewerage plan. These counties include Talbot, Dorchester, Wicomico, Worcester, Somerset, Caroline, and Queen Anne's. A maximum density requirement of 160 residences or its equivalent per square mile for ground water protection shall apply in these areas for lots where direct ground water penetration is used for sewage disposal.

D. A person may not dispose of sewage, body, or industrial wastes in any manner which may cause pollution of the ground surface, the waters of the State, or create a nuisance.

E. A person may only dispose of sewage, body, or industrial wastes in accordance with an approved on-site sewage disposal permit or other method of disposal approved by the Approving Authority.

F. Water Supply for Non-Community System.

(1) Only the following may be used as a water supply for residential and other establishments not served by a community system:

(a) A well that satisfies the requirements of COMAR 26.04.04; and

(b) A surface water system permitted by the Department and which meets the requirements of COMAR 26.04.01.

(2) A spring or dug well may not be used as a water supply for a new homesite.

(3) A cistern may not be used as a potable water supply.

(4) A well for a new construction, addition, or alteration and a potential source of contamination shall meet the minimum setback requirements established in COMAR 26.04.04.

(5) The owner of an abandoned well shall properly fill and seal the well in compliance with the requirements of COMAR 26.04.04.11.

G. Building and floating home contractors, septic contractors, plumbers, licensed well drillers, drivers, and diggers, along with any person for whom the work is being performed, are responsible for compliance with these regulations and COMAR 26.04.04.

H. An on-site sewage disposal system may not serve more than one building unless specifically authorized by the Approving Authority. In those instances where connection of more than one building to an onsite sewage disposal system is approved, the

available area for onsite sewage disposal shall meet the requirements established by §C of this regulation.

I. If water under pressure is not available, all human body wastes shall be disposed of in approved privies, chemical toilets, or any other installations acceptable to the Approving Authority. These methods may not be authorized for new construction.

J. Site evaluations including percolation tests shall be conducted under the supervision of the Approving Authority. Other pertinent soil evaluations may be required by the Approving Authority if considered necessary.

K. A holding tank may be used to resolve an existing on-site sewage disposal failure if a community sewerage facility is not available and on-site repair protective of the public health is not possible. A holding tank may not be permitted to serve new construction or for the purpose of adding capacity to an existing disposal system in order to accommodate a change in property use. For a building served by a holding tank, the Approving Authority may not allow a building addition or a change-in-use or operation that would result in a foreseeable or potential increase in sewage flows from the building. A holding tank may be permitted to serve a public building as determined by the Approving Authority and the Department of the Environment to be essential. The permission to allow a holding tank for an essential public service building shall include consideration of the following:

(1) Whether the proposed building is directly related to and necessary to protect the public safety;

(2) Whether the proposed building supplies any critical public service;

(3) The volume and character of the waste to be generated, and, its ultimate disposal; and

(4) The expected length of time the holding tank will be in service before a conventional disposal mode is available.

L. A holding tank is required to hold a minimum of 7 days effluent and shall be of watertight construction. The Approving Authority may require a test of water tightness, in accordance with Regulation .05(F) of this chapter. The owner shall regularly remove and dispose of the contents in accordance with Regulation .08 of this chapter. The applicant shall submit, along with the application, a maintenance contract which is acceptable to the Approving Authority and which includes an acceptable pumping schedule by an approved liquid waste hauler. The Approving Authority may issue a holding tank permit if it determines that the issuance of the permit complies with the requirements of this section and does not compromise the public health, a maintenance contract requires safe and adequate disposal of sewage generated, and a holding tank agreement and easement is recorded in the land records for the property.

M. Criteria for a Holding Tank for an Owner Occupied, Legally Occupied, and Legally Situated Dwelling Unit.

(1) A community sewerage facility is not available and on-site repair is not possible.

(2) The dwelling unit is presently legally occupied by the owner or some other person who has permission of the owner or is vacant, but could be occupied by the owner or some other person who has permission of the owner.

(3) The dwelling is physically occupied in compliance with all required occupancy permits, except for any permit or permit requirement relating directly to the sewage disposal system. If no occupancy permit is required, a dwelling unit is legally if it is physically occupied.

(4) The dwelling has all required governmental approvals relating to its size (including all enclosed floor space) and location.

(5) The square footage of the original dwelling may not be increased.

(6) The estimated daily sewage flow may not be increased beyond the proven historical use.

(7) *The dwelling does not require major repairs.*

(8) *The dwelling is existing if it has been occupied year round within 3 years prior to the date of an application for approval of a sewage disposal system. The approving authority may grant a variance if:*

(a) *The applicant demonstrates to the satisfaction of the approving authority that occupancy was interrupted by events beyond his control;*

(b) *The dwelling is the only structure on the property; and*

(c) *The dwelling has been occupied year round within 7 years of the application.*

N. *No part of an on-site sewage disposal system may be covered or used until it has been inspected and approved by the Approving Authority or a third party approved by the Approving Authority.*

O. *If hydrologic or geologic problems exist, or if construction activities may adversely impact the sewage system, the Approving Authority may require installation, inspection, and approval of the on-site sewage disposal system before issuance of the building permit by the local agency issuing building permits.*

P. *The permittee shall backfill all as excavations soon as possible. If an excavation is required to be left open, the excavator shall properly protect the excavation to prevent injury to humans and animals.*

Q. *Every person engaged in the business of removing and disposing of the solid and liquid contents of on-site sewage disposal systems shall obtain an annual permit from the Approving Authority.*

R. *Sewage or sewage effluent, treated or non-treated, may not be disposed of in any manner that is likely to cause contamination of a potable water supply system or waters of the State, or create a nuisance.*

S. *An Approving Authority may require operating permits for on-site sewage disposal systems.*

T. *A local jurisdiction may establish a responsible management entity to manage, operate and maintain an on-site sewage disposal system.*

### **.03 On-Site Sewage Disposal Permits.**

A. *An applicant shall submit an application for an on-site sewage disposal permit in a form required by the Approving Authority and shall include a site plan, which identifies soil evaluations, percolation and other test locations, proposed system design, existing and proposed improvements, proposed BAT or other treatment methods and the location of existing and proposed wells to serve the property, along with any relevant datum concerning wells or disposal systems within 100 feet of the property line, and any additional information the Approving Authority may request*

B. *The Approving Authority may issue a permit for an on-site sewage disposal system if it determines that the site and proposed design can safely dispose of sewage and conform with applicable laws and regulations. Within 30 days of a permit denial, the applicant shall be notified in writing as to the reason for denial.*

C. *In determining whether or not to issue an on-site sewage disposal permit, the Approving Authority shall evaluate the appropriateness and design of the proposed system. The review shall include consideration of all site evaluation information.*

D. *The applicant is responsible for submitting or making available all soils information, design specifications and other data that may be required by the Approving Authority to complete its permit review responsibilities.*

E. *A person may not construct or attempt to construct an on-site sewage disposal system without first receiving a permit from the Approving Authority. A person may not alter an on-site sewage disposal system or cause it to receive any increase in flow or change in the character of wastewater unless permitted by the Approving Authority.*

F. *A person may not construct or alter any structure, residence, floating home, or commercial establishment served or to be served by an on-site sewage disposal system or private water supply system, and a county or municipality may not issue, if applicable, a building permit or a use permit for the desired new construction or alteration, until the Approving Authority has:*

(1) *Issued both an on-site sewage disposal permit and a well construction permit for facilities served by an on-site sewage disposal system and a private water supply system;*

(2) *Issued an on-site sewage disposal permit for facilities served by an on-site sewage disposal system and a public water supply system;*

(3) *Issued a well construction permit for facilities served by a private water supply system and public sewerage; or*

(4) *Certified the existing on-site sewage disposal and water supply systems as capable of treating and disposing the existing sewage flows and meeting the water demand and any reasonable foreseeable increase in sewage flows or water demand. The Approving Authority shall consider the number of bedrooms, total enclosed living space and changes that affect the volume or character of the wastewater in making this determination.*

G. *If, in the opinion of the Approving Authority, a safe and adequate water supply is not available to the lot, an on-site sewage disposal permit shall be denied*

H. *The Approving Authority may not permit an on-site sewage disposal system to be installed if, in the opinion of the Approving Authority, it may pollute a well water supply, a water supply reservoir, shellfish growing waters, bathing beaches, a lake or tidalwater areas.*

I. *The permit to construct an on-site sewage disposal system is not valid for more than 2 years from the date of issuance, but may be renewed at the discretion of the Approving Authority. Additional testing or evaluations, before the renewal of a permit, may be required by the Approving Authority.*

J. *The permits required by this regulation are in addition to any approval to subdivide land pursuant to COMAR 26.04.03.*

K. *A permit issued for the construction of an on-site sewage disposal system shall include the statement that the Maryland Department of the Environment recommends septic tanks, BAT and other pretreatment units be pumped at a frequency adequate to ensure that solids are not discharged to the disposal area.*

L. *An on-site sewage disposal permit or a permit for an individual sewerage system may not be issued unless the project is in conformance with the approved county water and sewerage plan*

### **.04 Site Evaluation.**

A. *Site Evaluation Criteria.*

(1) *In determining whether to approve a lot or parcel for on-site sewage disposal the Approving Authority shall consider the following site evaluation criteria:*

(a) *The general topography, geology, soil classification, and hydrology;*

(b) *Surface and subsurface drainage conditions;*

(c) *Soil descriptions, test results, and boring-logs;*

(d) *Requirements for seasonal testing; and*

(e) *Performance of on-site sewage disposal systems and wells in the area and the potential impact of new on-site sewage disposal systems on individual water well supplies in adjacent areas.*

(2) *The applicant shall submit, or make available, all soils information, design specifications and other data that the Approving Authority may require to complete its permit review responsibilities.*

(3) *The applicant shall make available to the Approving Authority all information on private soil testing and environmental factors on the property that may impact onsite sewage disposal or potable drinking water supplies.*

(4) A site evaluation is conducted, and the results are evaluated, in accordance with the following requirements:

(a) An adequate number of site evaluations including percolation tests and other pertinent observations, as required by the Approving Authority, are conducted within the area designated for on-site sewage disposal as necessary to determine the suitability of the area for sewage disposal.

(b) The Approving Authority may require additional site evaluations and percolation testing where soil texture or structure varies or limiting geologic conditions are encountered, or when the Approving Authority deems it necessary to evaluate a larger disposal and recovery area for the estimated sewage flow.

(c) The minimum allowable percolation rate after prewetting is 1 inch per 30 minutes, except for a system approved under Regulation .05V of this chapter.

(d) A percolation rate faster than 2 minutes per inch, after prewetting, may not be approved west of the fall line and may also be disapproved east of the fall line if, in the opinion of the Approving Authority, adequate protection of the ground water may not be provided due to the rapid movement of water through the soil.

(e) A percolation rate of between 2 and 5 minutes per inch, after prewetting, may be grounds for disapproval if in the opinion of the Approving Authority adequate protection of the ground water may not be provided due to rapid movement of water through the soil.

(f) In carbonate rock areas a minimum of four treatment zone observation test pits, excavated perpendicular to the bed rock ridges, are required per sewage disposal area.

(g) Each limiting horizons that may restrict the vertical flow of effluent in the soil treatment zone within 2 feet of the infiltrative surface is described in the site evaluation report. If a limiting horizon is identified, the design of the on-site sewage disposal system is adequate to overcome this limitation.

**B. Soils Testing Requirements.** In an area where the soil survey maps, soil borings or historical data indicate moderate or severe limitations based on seasonally perched or seasonally high water tables; site evaluations, a soil percolation test and any other test that the Approving Authority requires is performed at the time of the year when the highest water table is present as indicated by observation wells, rainfall totals and site conditions at the on-site sewage disposal area. The applicant shall conduct all soil tests at the depth and in the soil intended to be used for the on-site sewage disposal system. The official source of soil information is the National Resource Conservation Service (NRCS) Soil Data Mart, a part of the National Soil Information System.

#### **C. Soil Treatment Zones.**

(1) Conventional on-site sewage disposal systems may not be approved where there is less than 4 feet of unsaturated, unconsolidated material sufficient to attenuate effluent below the bottom of the on-site sewage disposal system except as provided in §C(2) of this regulation and Regulation .05V of this chapter.

(2) In the coastal plain province where 4 feet of unsaturated, unconsolidated material sufficient to attenuate effluent below the bottom of the on-site sewage disposal system is not available, the Approving Authority may identify areas where on-site sewage disposal systems using less than 4 feet of unsaturated soil may be allowed, if:

(a) The aquifer is a Type III (other than Type I or Type II), pursuant to COMAR 26.08.02.09B; or

(b) The aquifer has limited potential to serve as a drinking water source. These aquifers shall meet one or more of the following conditions:

(i) Insufficient potable water to serve as a year-round supply due to seasonally fluctuating water tables;

(ii) Interconnection with tidewater such that if pumped for water supply, brackish water or saltwater intrusion into the aquifer has or would occur; or

(iii) Evidence the aquifer has already been polluted by, or is in imminent danger of being polluted, by activities in the area.

(3) All the following criteria are required for all areas in which aquifers have been designated, pursuant to §C(2) of this regulation, for installation of on-site sewage disposal systems using less than 4 feet of unsaturated soil below the bottom of the sewage disposal field or pit:

(a) The area is delineated in a ground water protection report prepared by the county government or its representative; and the groundwater protection report is approved by the county health department and included in the appropriate county water and sewer plan approved by the Department of the Environment.

(b) The groundwater protection report sets density, design, and construction requirements to minimize degradation of aquifers designated for discharge and justifies any variances to §C(3)(b)—(g) of this regulation.

(c) A quantitatively and qualitatively superior potable water supply is available from one or more deeper confined aquifers that are separated from the disposal aquifer by a confining aquiclude.

(d) Measures are taken by the county health department to ensure that the aquifer designated for waste disposal is not currently and will not be used for a potable water supply.

(e) Discharge to a surficial aquifer does not contaminate a deeper aquifer of Type I or II, pursuant to COMAR 26.08.01—.04, or any aquifer used for water supply.

(f) If a water supply well taps a confined aquifer beneath the disposal aquifer the permittee shall grout through the disposal aquifer.

(g) The on-site sewage disposal system and recovery area is located 100 feet from any well in a confined aquifer.

(h) Unimproved lots served by these on-site sewage disposal systems may not be less than 2 acres in size.

**D. Approvals for lots in the Appalachian physiographic province of the State** (see the map of Maryland Physiographic Provinces and Their Divisions in this chapter), where 4 feet of unsaturated, unconsolidated soil sufficient to attenuate effluent below the subsurface disposal system is not available, may require concurrent approval of the Department of the Environment at the discretion of the Water Management Administration. Training and assistance by the Water Management Administration personnel will be provided at the request of the Approving Authority. In limestone or dolomite areas of the Appalachian physiographic province, deviation from the 4-foot requirement may not be given for new development.

**E. Sewage disposal areas shall meet all physical and distance requirements outlined in regulations .03 and .04 of this chapter, exclusive of easements, rights-of-way, buildings, and any other permanent or physical objects, and may not be disturbed by earth moving, compaction, tree removal or grading after approval by the Approving Authority without prior authorization of the Approving Authority.**

**G. The sewage disposal area for a dwelling unit or other building for human occupation on an individual lot recorded and approved by the Department on or after November 18, 1985, shall meet the following criteria:**

(1) The area is adequate for the installation of an initial and two replacement on-site sewage disposal systems; and

(2) For each dwelling unit, or other buildings for human occupation, the area shall not be less than 10,000 square feet.

H. The sewage disposal area for a dwelling unit or other building for human occupation on an individual lot, recorded and approved by the Department before November 18, 1985, shall meet the following criteria:

(1) The area is adequate for the installation of an initial and one replacement on-site sewage disposal system; and

(2) For lots created subject to a minimum 10,000 square foot sewage disposal area, a minimum 10,000 square foot area is maintained.

I. The Approving Authority shall use the best available water usage information in determining estimated daily flows for institutional and commercial establishments for determining required sewage disposal area including area for initial and required replacement systems. .

J. An on-site disposal system and replacement area may not be located in flood plain soils or on slopes in excess of 25 percent.

K. The following horizontal separation distances are required to be maintained between the on-site disposal system including its recovery area and the features listed although greater distances may be required at the discretion of the Approving Authority:

Feature	Separation Distance
(1) All steep slopes (>25 percent)	25 feet
(2) Springs	100 feet
(3) Drainage ways and gullies	25 feet
(4) Flood plain soils	25 feet
(5) Rock outcrops	25 feet
(6) Elevation of spillway crest water level in a water supply reservoir	300 feet
(7) Stream bank 3,000 feet or less upstream from a water intake on a water supply reservoir or intake on a stream used as a potable water supply	200 feet
(8) Stream bank greater than 3,000 feet upstream from a water intake on a water supply reservoir or intake on a stream used as a potable water supply	100 feet
(9) Water bodies not serving as potable water supplies including intermittent and perennial streams	100 feet
(10) Water well system in unconfined aquifers	100 feet
(11) Water well system in confined aquifers	50 feet
(12) Sink holes underlain by karst topography	100 feet
(13) Building foundations	10 feet

L. A lot located within 2,500 feet of the normal water level of an existing or proposed water supply reservoirs, measured horizontally, within a 5,000-foot radius upstream from a water intake on a stream used as potable water supply source, or within a 5,000-foot radius of a water intake located within a reservoir shall have an area of not less than 2 acres and a minimum width of 175 feet. An on-site sewage disposal system may not be located within 300 feet, measured horizontally, of the normal high water level of a water supply reservoir. Normal water means the elevation of the spillway crest. These limitations do not apply to areas below the dam forming the reservoir.

M. The Approving Authority may consider an application for a variance from the requirements listed in § K of this regulation in order to cluster lots as provided under local law. However, the number of clustered lots under two acres may not exceed the number of lots that would have been approvable under § K of this regulation. A variance may not be granted that allows the transfer of density units or development rights to a subdivision located within 2,500 feet of a water supply reservoir.

### .05 Design and Construction of Conventional On-Site Sewage Disposal Systems.

A. Sewage from bathrooms, kitchens, laundry fixtures, and other household plumbing, exclusive of the backwash from potable water treatment devices, shall receive adequate treatment from a sewage treatment unit before the effluent is discharged to an approved on-site sewage disposal area.

B. On-site sewage disposal systems and replacement areas location requirements:

(1) The sewage disposal system is at least 100 feet removed from any water well system in unconfined aquifers and 50 feet from any water well system in confined aquifers.

(2) The on-site sewage disposal system is located downgrade from a private water supply. A variance to this requirement may be granted by the Department of the Environment after consideration of hydrogeologic conditions and recommendations of the Approving Authority.

C. The owner of a restaurant or an establishment discharging grease shall install a grease interceptor on each separate kitchen waste drain.

D. Residential Septic Tank Size Criteria. Septic tanks serving a residential use, not requiring a BAT system, shall meet the following criteria and tables. This table provides for use of garbage disposal units, automatic clothes washers, and other household appliances.

Septic Tank Criteria	
Number of Bedrooms	Minimum Septic Tank Capacity Below Outlet
3 or less	1,000 gallon
4	1,250 gallons
For each additional bedroom, add 250 gallons	

E. Criteria of a Residential Septic Tank.

(1) A residential septic tank shall have a minimum of two compartments or two tanks in series.

(2) A residential septic tank shall be made of materials and constructed in a manner acceptable to the Approving Authority.

(3) A residential septic tank shall be watertight. Manufacturers shall certify that septic tanks are watertight. The Approving Authority may require one of the following tests to determine watertightness.

(a) Vacuum Testing. Seal the empty tank and apply a vacuum to two inches of mercury. The tank is acceptable if 90 percent of the vacuum is held for 2 minutes.

(b) Water-Pressure Testing. Seal the tank with all the inlet and outlet pipes installed. Fill with water and let stand for 24 hours. Refill the tank. The tank is acceptable if the water as level measured in the tank remains the same for one hour.

F. Institutional Septic Tank Criteria. The applicant for an institutional or commercial installation, not requiring a BAT system, shall calculate the minimum septic tank capacity according to the following criteria:

(1) Flows of 1,500 gallons per day (gpd) or greater:  $V = 1,125 \text{ gallons} + 0.75Q$  where  $V$  = minimum septic tank volume,  $Q$  = estimated daily peak sewage flow;

(2) Flows of less than 1,500 gallons per day (gpd):  $V = 1.5 Q$ ; and

(3) 1,000 gallons is the minimum septic tank capacity.

G. Septic Tank Criteria where a BAT system is required under Regulation .07 of this chapter. If an approved BAT system includes a septic tank, the permittee shall size the septic tank in accordance with the requirements of the manufacturer or designer of the BAT.

H. Pump Chambers and Equipment Criteria.

(1) Pressure distribution systems, including sand mound and at-grade systems, have a pump that provides adequate capacity for

handling peak flow at the design head. The design head shall include static head, friction head, and an additional 2 feet of discharge head.

(2) The pump is installed to allow the sewage to drain back to the pumping chamber from the distribution system to prevent freezing. Use of check valves is not recommended.

(3) A pump is used that can resist the corrosive effects of septic tank effluent.

(4) A minimum of 6 inches is provided between the pump intake and the floor of the pumping chamber.

(5) The pump is constructed and located to prevent the entrance of surface water or ground water.

(6) The dosing frequency is approximately 6 times a day.

(7) A minimum of 1-day storage capacity is provided above the high water alarm.

(8) A high water alarm is installed within the pumping chamber and wired on a circuit separate from that of the pump.

(9) The pumping chamber provides adequate volume to store the sewage between doses.

(10) The pump control sensor is located so that it is not affected by flow entering the pump chamber.

I. For residential property the minimum design flow is based on 150 gpd per bedroom. The Approving Authority may establish design flows based on equivalent square footage; however, the minimum design flow may not be less than 300 gpd per residence and 150 gpd per bedroom.

J. The Department shall provide guidance on estimating design flows for commercial and institutional establishments. Design flow is based on the maximum daily flow. Applications for commercial and institutional establishments shall include a proposed design flow for the system. The Approving Authority may approve design flows based upon actual flow measurements, estimated flows for square footage or estimated flow for similar establishments. The design flow may not be less than 400 gpd for a commercial or institutional establishment. Any facility discharging waste other than domestic sewage may be required to obtain an individual groundwater discharge permit.

K. Loading Rates for Onsite Sewage Disposal Systems. Maximum loading rates are based on wastewater with the equivalent strength of typical domestic sewage. A domestic, commercial, or institutional establishment with effluent quality stronger than 300 mg/l biological oxygen demand or 300 mg/l suspended solids shall employ a pretreatment unit to pretreat the effluent to a maximum of 300 mg/l biological oxygen demand and 300 mg/l suspended solids.

Maximum Loading Rates for Systems with Design Flow Less than 5,000 Gallons per Day	
Percolation Rate in Minutes for 1-Inch Drop After Prewetting	Maximum Loading Rate (Gallons per Day per Square Foot)
2 — 5	1.2
6 — 15	0.8
16 — 30	0.6
Maximum Loading Rates for Systems with Design Flow Greater than or Equal to 5,000 Gallons per Day *	
Percolation Rate in Minutes for 1-Inch Drop After Prewetting	Maximum Loading Rate (Gallons per Day per Square Foot)
2 — 5	0.8
6 — 15	0.6
16 — 30	0.4
* For systems with design flow greater than or equal to 5,000 gallons per day, loading rates may be increased by 50 percent if an individual groundwater discharge permit is issued and advanced pretreatment employed.	

L. The absorptive area required is calculated by dividing the appropriate design flow by the appropriate loading rate.

M. Standard trench length is calculated by dividing the required absorptive area by the proposed trench width.

N. Standard Trench System.

(1) Approval of Standard Trench System. A standard trench system may be approved by the Approving Authority if an adequate treatment zone and absorptive area are available. The system size is based on bottom absorptive area only.

(2) Standard trench length =  $a \div w$

Where:

$a$  = The absorptive area required for the desired use by reference to regulation .05M.

$w$  = Width of trench in feet;

(3) Minimum distance, sidewall to sidewall, between standard trenches is at least 6 feet of undisturbed soil between 2-foot wide trenches and 9 feet between 3-foot wide trenches.

O. Deep Trench System.

(1) Approval of Deep Trench Systems. A deep trench system may be approved by the Approving Authority when sufficient soils are available to allow the use of side walls in determining minimum absorption area requirements and an adequate treatment zone is available.

(2) Deep trench length =  $[(w+2) \div (w+1+2d)] \times a \div w$

Where:

$w$  = Width of trench in feet;

$d$  = Depth of usable sidewall area on the basis of percolation tests, observation of the soil profile at various soil depths, and other hydrogeologic data as may be required by the Approving Authority; and

$a$  = The absorptive area required for the desired use by reference to regulation .05M.

(3) Minimum distance, sidewall to sidewall, between deep trenches shall be two times the effective absorptive depth of gravel in the deepest trench or 18 feet, whichever is the lesser distance. The distance between trenches may not be less than 10 feet.

P. The minimum distance between seepage pits is equal to three times the diameter of the largest pit.

Q. Criteria for Large Onsite Sewage Disposal Systems

(1) Property with an accumulative maximum daily flow of 5,000 gpd or greater, served by onsite sewage disposal, is a large onsite sewage disposal system.

(2) An applicant for a large onsite sewage disposal system with a maximum daily flow of 10,000 gpd, or more, shall obtain an Individual Groundwater Discharge Permit from MDE. The Department may require an applicant for a system with a maximum daily flow of less than 10,000 gpd to obtain an Individual Groundwater Discharge Permit if specific project characteristics warrant additional monitoring or control or special permit requirements.

(3) An application for a large on-site sewage disposal system is submitted by the property owner, or property owner's agent, to the Approving Authority and MDE. Evaluation and review of an application is performed jointly by the Approving Authority and MDE.

(4) A large system incorporates uniform low-pressure distribution with dosing and resting features in its design and construction.

(5) Suitable sewage disposal area is set aside for the installation of an initial and two replacement systems at 100 percent of the peak daily flow.

(6) The initial installation is designed and constructed for 150 percent of the peak daily flow.

(7) A nitrogen balance analysis for the groundwater system is performed by a qualified professional and submitted to the Approving Authority and MDE. The nitrogen concentration at the property line

or at any point adjacent to a water course does not exceed 10 mg per liter.

(8) A mounding analysis is performed by a qualified professional and submitted to the Approving Authority and MDE. The 20-year mound height is estimated and does not rise to a point where the minimum required separation distance between the bottom of the system and the water table is not maintained.

R. Maximum daily flow is used as the basis of disposal area design regardless of the type of treatment unit or disposal method proposed.

S. Greater absorption area than provided for in this regulation may be required by the Approving Authority based on local conditions and experience.

T. Fill material may not be used in conventional subsurface sewage disposal systems except as placed over open chambers or perforated pipe.

#### U. Sand Mound Systems.

(1) The criteria for a sand mound system are:

(a) Ground water is located at least 2 feet below the ground surface as measured during the period of the highest water table;

(b) Excessively permeable material or fractured bedrock is located at least 2 feet below the ground surface;

(c) Percolation rates measured after prewetting utilizing a method that measures vertical permeability are not faster than 1 inch per 2 minutes and not slower than 1 inch per 60 minutes; and

(d) The sewage disposal area has a slope of less than 12 percent.

(2) The Approving Authority may require the depth to groundwater or fractured rock to be greater than 2 feet below the ground surface to ensure proper operation of a sand mound system if the Approving Authority determines that local conditions make greater depths necessary.

(3) The criteria and conditions for performing site evaluation and testing for a sand mound system area:

(a) Tests are performed in the least permeable soil horizon which is located in the upper 24 inches of soil; and

(b) Tests are conducted with an apparatus which minimizes horizontal movement of water.

(4) The criteria for construction of a sand mound are:

(a) The long axis of the sand mound and the trench or bed is perpendicular to the slope.

(b) All parts of a sand mound shall meet the horizontal separation distance in Regulation .04J of this chapter.

(c) The linear loading rate, determined by dividing the design flow by the length of the gravel bed does not exceed 10 gallons per day per foot.

(d) A two compartment septic tank or two tanks in series, with an effluent filter installed in the outlet baffle of the second tank or compartment, is used for pretreatment for all sand mounds that do not require BAT.

(e) Sand mounds shall use a pressure distribution system which is designed to have a minimum pressure of 2 feet of head at the distal end.

(f) The distribution system is installed level on a bed or in a series of trenches with at least 6 inches of gravel below the pipe.

(g) The gravel is between 3/4 inch and 2 inches in size and free of fines.

(h) A minimum of 2 inches of gravel is placed above the distribution pipe.

(i) The gravel is covered with a geotextile filter fabric to prevent sand and fines from entering the gravel.

(j) The trench or bed is constructed so that the bottom of the trench or bed is level.

(k) The sand beneath the trench or bed is:

(i) Of an effective size between 0.25 and 0.5 mm and have a uniformity coefficient of 3.5 or less; or

(ii) Of an effective size between 0.15 and 0.3 mm and have a uniformity coefficient between 4 and 6 and contain less than 20 percent of material larger than 2.0 mm and less than 5 percent of material less than 0.053 mm.

(l) Holes in the distribution lines are free of burrs and other protrusions.

(m) The sand mound is covered with approximately a 6 inch layer of top soil and seeded.

(n) The sand mound side slopes may not exceed a 3 to 1 grade regardless of the natural slope of the ground.

(o) The top of the sand mound is crowned to allow rain water to run off.

(p) Settling problems are corrected when they are detected.

(q) Observation ports to measure effluent levels in the mound are installed:

(i) At the gravel and sand interface in the gravel bed or trench; and

(ii) At the soil and sand interface beneath the gravel bed.

(5) The criteria for sizing sand mounds are:

(a) The bed or trenches in the mound are sized to absorb not more than:

(i) 1.2 gallons per square foot per day based on the bottom area of the beds or trenches for sand meeting the specification set forth in §V(4)(k)(i) of this regulation; and

(ii) 1.0 gallons per square foot per day based on the bottom area of the beds or trenches for sand meeting the specification set forth in §V(4)(k)(ii) of this regulation.

(b) The sand mound has a basal area sized to absorb effluent in accordance with the following:

(i) For a vertical percolation rate between 2 minutes per inch and 30 minutes per inch, not more than 1.2 gallons per square foot per day;

(ii) For a vertical percolation rate between 31 minutes per inch and 45 minutes per inch, not more than 0.75 gallons per square foot per day; and

(iii) For a vertical percolation rate between 46 minutes per inch and 60 minutes per inch, not more than 0.5 gallons per square foot per day.

(c) The basal area includes only that area that is directly below the trenches or bed and that area downslope from the trenches or bed.

(d) The amount of sand fill below the trench or bed may not be less than 1 foot.

(e) The total distance from the bottom of the trench or bed to the high water table may not be less than 4 feet except when a lesser separation is approved pursuant to Regulation .04C(3)(a) of this chapter.

(f) A minimum 25 foot wide area downslope of the sand mound is designated on a plan as an area protected from compaction and grading and free of structures such as buildings and driveways. If a limiting horizon that may restrict the vertical flow of effluent through the soil beneath the sand mound is present, this 25 foot wide area may be increased.

(6) Site preparation requirements are:

(a) The site is not compacted by earthmoving or other equipment;

(b) The grass or other vegetation is cut and removed as much as possible;

(c) The soil is plowed to a depth of 6 inches perpendicular to the slope;

(d) Work may not be done during wet weather, during wet soil conditions, or during freezing and thawing conditions;

(e) Trees on the site are cut at ground level and the stumps left in place; and

(f) A certified sand mound installer is present during construction of all sand mounds.

(7) Certification of Installers.

(a) A sand mound system may only be installed by a certified installer.

(b) The Maryland Department of the Environment may award a sand mound installer certification if the applicant has successfully completed a course of study and examination in the practice of construction of mound systems. The course and examination shall be approved by the Department of the Environment.

(c) The course of study and examination shall be given at least once each year by the Department of the Environment or the Department's designee.

(d) The certification is valid for a period of 3 years and may be renewed if the installer has complied with all the applicable laws and regulations.

(f) The Maryland Department of the Environment may withdraw certification at any time for violation of these regulations.

#### V. At-Grade Systems.

(1) The criteria for the use of an at-grade system are:

(a) Ground water is located at least 4 feet below the ground surface as measured during the period of the highest water table;

(b) Excessively permeable material or fractured bedrock is located at least 4 feet below the ground surface;

(c) Percolation rates measured after prewetting utilizing a method that measures vertical permeability are not faster than 1 inch per 2 minutes and not slower than 1 inch per 60 minutes; and

(d) The sewage disposal area has a slope of less than 12 percent.

(2) The criteria and conditions for performing a site evaluation and testing for an at-grade system are:

(a) Tests are performed in the least permeable soil horizon which is located in the upper 30 inches of soil; and

(b) Tests are conducted with an apparatus which minimizes horizontal movement of water.

(3) The criteria for construction of an at-grade system are:

(a) The long axis of the trench or bed is perpendicular to the slope;

(b) All parts of an at-grade system shall meet the horizontal separation distance in Regulation .04J of this chapter;

(c) The linear loading rate, determined by dividing the design flow by the length of the gravel bed may not exceed 9 gallons per day per foot;

(d) A two compartment septic tank or two tanks in series is used for pretreatment for all at-grade systems that do not require BAT;

(e) An at-grade system uses a pressure distribution system designed to have a minimum pressure of 2 feet of head at the distal end;

(f) The distribution system is installed level on a bed or in a series of trenches with at least 6 inches of gravel below the pipe;

(g) The gravel is free of fines and is between 3/4 inch and 2 inches in size;

(h) A minimum of 2 inches of gravel is placed above the distribution pipe;

(i) The gravel is covered with a geotextile filter fabric to prevent fines from entering the gravel;

(j) Holes in the distribution lines are free of burrs and other protrusions;

(k) An at-grade system is covered with approximately a 12 inch layer of top soil and seeded;

(l) An at-grade system's side slopes may not exceed a 3 to 1 grade and shall extend a minimum distance of 5 feet from the gravel bed regardless of the natural slope of the ground;

(m) The top of the at-grade system is crowned to allow rain water to run off; and

(n) Settling problems are corrected when they are detected.

(4) Criteria for Sizing an At-Grade System.

(a) The at-grade system has an effective gravel absorption area sized to absorb effluent in accordance with the following:

(i) 2 to 15 minutes per inch — 0.8 gallons per day per square foot;

(ii) 16 to 30 minutes per inch — 0.6 gallons per day per square foot; and

(iii) 31 to 60 minutes per inch — 0.4 gallons per day per square foot.

(b) The total distance from the bottom of the trench or bed to the high water table may not be less than 4 feet except when a lesser separation is approved pursuant to Regulation .04C(3)(a) and .04D of this chapter.

(c) A minimum 25 foot wide area downslope of the at-grade system is designated on a plan as an area protected from compaction and grading and shall remain free of structures such as buildings and driveways. If a limiting horizon is present beneath the at-grade system, this 25 foot wide area may be increased.

(6) The criteria for preparing a site for an at-grade system area:

(a) The site may not be compacted by earthmoving or other equipment;

(b) The grass or other vegetation is cut and removed as much as possible;

(c) The soil beneath the entire at-grade is plowed to a depth of 6 inches perpendicular to the slope;

(d) Work may not be done during wet weather, during wet soil conditions, or during freezing and thawing conditions; and

(e) Trees on the site are cut at ground level and the stumps left in place.

(7) Certification of Installers.

(a) At-grade systems may only be installed by a certified installer.

(b) The Maryland Department of the Environment may award an at-grade installer certification, if the applicant has successfully completed a course of study and examination in the practice of construction of at-grade systems. The course and examination shall be approved by the Department of the Environment.

(c) The course of study and examination shall be given at least once each year by the Department of the Environment or the Department's designee.

(d) An at-grade system may be installed if a certified at-grade installer is present during the construction of the at-grade system.

(e) The certification is valid for a period of 3 years and may be renewed prior to its expiration if the installer has complied with all the applicable laws and regulations.

#### .06 Non-Conventional On-Site Sewage Disposal Systems.

A. The Department of the Environment and the Approving Authority shall consider reasonable methods for correcting existing system failures and providing facilities for homes that lack indoor plumbing and will provide the best technical guidance in attempting to resolve existing pollution or public health problems. If a public sewer is not available and a conventional on-site sewage disposal system design cannot alleviate the problem or does not provide the best method of correction, the Department may approve new technology or experimental systems.

*B. Innovative or alternative technology or experimental designs may also be used for new construction on existing lots of record. The use of non-conventional on-site sewage disposal systems on new construction where site limitations preclude the use of conventional on-site disposal systems shall be reviewed and approved using professional judgment. The site conditions, soil properties and ground water condition at the proposed site shall demonstrate adequate support for successful use of the proposed system as an alternative to a conventional on-site sewage disposal system.*

*C. Limits for Experimental Non-Conventional On-Site Sewage Disposal Systems Used in New Construction. The number of experimental non-conventional disposal systems approved for use on new construction is limited by:*

*(1) The availability of personnel and equipment required for the extensive monitoring and evaluation associated with the installation of these systems; and*

*(2) A system's potential to provide data required to adequately evaluate system operation on a site experiencing one of the major restrictions for conventional on-site sewage disposal systems found in Maryland.*

*D. Submission of Proposals. An applicant shall submit an application to the local Approving Authority and the Department of the Environment for review and approval. The applicant shall follow the following procedures.*

*(1) The Approving Authority may elect to perform the site evaluation or request the applicant to retain a professional consultant to prepare a hydrogeological report to demonstrate that the soil properties and ground water conditions at the proposed site supports the use of the proposed system. In all cases, the site evaluation should be performed with the assistance of the Water Management Administration's Regional Consultant of the Department of the Environment. The professional consultant retained by the applicant shall have adequate experience in examining soil properties and ground water, preferably in Maryland. The applicant shall obtain any available information on the effectiveness of the proposed system in use in similar settings, and shall submit this information as well as the hydrogeological report, to both the local Approving Authority and the Department of the Environment.*

*(2) Non-Conventional On-site Sewage Disposal System Design.*

*(a) System design may commence if both the local Approving Authority and Maryland Department of the Environment approve of the site and grant a permit for the proposed system.*

*(b) The applicant shall arrange for professional engineer, an Environmental Health Specialist, or other qualified consultant as determined by the Approving Authority, to design the proposed system.*

*(c) The applicant shall submit one set of drawings to the local Approving Authority and one set to the Department of the Environment for concurrent review and approval.*

*E. If a non-conventional on-site sewage disposal system, requires specialized operation or extensive maintenance, the applicant shall submit a satisfactory agreement that has been signed by the applicant, the local Approving Authority and Maryland Department of the Environment, which assures proper operation and adequate maintenance. For example, the Department and the Approving Authority may require a service contract for the life of the system.*

*F. The applicant shall record in the land records notice that the property is served by a non-conventional sewage disposal system and that the system requires special operation and maintenance, and shall submit a copy of this notice to the Approving Authority before a permit to construct may be issued. Monitoring requirements shall be determined using professional judgment. The local Approving Authority and the Department of the Environment shall monitor these systems for not less than 2 years after construction and full use.*

*G. Results from monitoring and testing programs will be used by the Department of the Environment in establishing new criteria for the use and design of non-conventional on-site sewage disposal systems.*

*H. Non-conventional on-site sewage disposal systems may not be considered as acceptable on-site sewage disposal systems with regard to the subdivision of land pursuant to COMAR 26.04.03.*

**.07 Best Available Technology for Removal of Nitrogen (BAT).**

*A. A person may not install, or have installed, an onsite sewage disposal system unless the onsite sewage disposal system utilizes BAT for any of the following:*

*(1) New construction in either the Chesapeake Bay Watershed or the Atlantic Coastal Bays watershed;*

*(2) New construction in any watershed of a nitrogen impaired body of water; or*

*(3) A replacement system to serve a property in either the Chesapeake Bay critical area or the Atlantic Coastal Bays critical area.*

*B. New construction includes the renovation or repair of a residence or other building and the Approving Authority determines that the existing on-site sewage disposal system is not adequate to serve the proposed alteration or altered building.*

*C. The property owner shall maintain and operate all new and existing BAT systems for the life of the system through one of the following management measures:*

*(1) The Bat is operated by a responsible management entity, acceptable to MDE, established by the Approving Authority or local government, to assume operation and maintenance of BAT systems;*

*(2) The BAT is covered by a renewable operating permit, which is issued by or required by the Approving Authority and which includes enforcement provisions, inspections, and monitoring; or*

*(3) The BAT is covered by a service contract that the property owner maintains with a certified service provider.*

*(a) If a BAT system is operated and maintained by a certified service provider, the owner shall ensure the BAT system is inspected and has necessary operation and maintenance performed at a minimum of once per year.*

**D. Certified Service Providers.**

*(1) The Department shall maintain a list of certified service providers.*

*(2) An individual may become certified if he completes and passes a course of study on operation and maintenance of BAT systems approved by the Department. The course of study shall include instruction on how BAT systems function as well as elements on operation, maintenance, and repair of BAT systems.*

*(3) The Maryland Department of the Environment may revoke a certification of service provider for BAT systems for violation of these regulations.*

*(4) A certified service provider shall report on inspection, operation and maintenance activities to the Department, or the Department's designee, in a manner acceptable to the Department on a yearly basis prior to the yearly anniversary of the date of installation.*

*(5) The certified service provider shall have a certificate of qualification from the manufacturer of the BAT system being serviced.*

*(6) A property owner may obtain certification as a service provider to maintain his system personally, subject to all the requirements of this regulation pertaining to operating and maintaining BAT systems.*

*E. A person who has completed a course of study approved by the Department for the installation of BAT, and has a certification of qualification for installing BAT systems from the manufacturer, is required to be present on the property while a BAT unit is installed.*

F. Within 1 month of the completion of an installation, a person installing a BAT system shall report to the Department, or the Department's designee, in a manner acceptable to the Department, the address and date of completion of the BAT installation and the type of BAT installed.

G. The owner of an onsite sewage disposal system with a design flow less than 1500 gpd, requiring a BAT system under §A or B of this regulation, may only install:

(1) A BAT system that has been approved by the Maryland Department of the Environment; or

(2) An individually engineered nonproprietary BAT system if a governmental agency or their designee is the responsible management entity or issues renewable operating permits.

H. The owner of an onsite sewage disposal system with a design flow greater than 1,500 gpd, requiring a BAT system under §A or B of this regulation may only install a BAT system that is individually engineered for the site and approved by the Department or the Department's designee.

I. A permittee shall construct a BAT unit in a manner and of materials acceptable to the Department and the Approving Authority.

J. If the applicant demonstrates that extremely low, variable or sporadic wastewater flow results in malfunctioning of the BAT system, the Department may grant a variance to the BAT requirement upon a request from the Approving Authority.

#### **.08 Special Methods of Sewage Collection and Disposal.**

A. A person may not build a privy unless the privy will, in the judgment of the Department, prevent:

- (1) The soil from coming in contact with any fecal matter; and
- (2) Flies from gaining access to any fecal matter.

B. Privies shall be located and constructed so as to prevent contamination of ground and surface water. A privy shall be constructed in such a manner as to be insect and rodent free and to prevent odor nuisances. Location and construction plans shall be approved by the Approving Authority before issuing a sewage disposal construction permit.

C. Chemical toilets shall be constructed of impervious materials, vented to the outside air above the roof line of the structure housing them, and supplied with an adequate amount of the chemical agent used to reduce and deodorize the tank contents. Chemical toilets shall be used only for special term events, construction projects and in the abatement of problems.

D. When privies or chemical toilets become filled to recommended capacity, the owner shall remove the contents and dispose of the sewage in accordance with Regulation 09 of this chapter.

#### **.09 Septage.**

A. The owner of a septic tank, seepage pit, privy, or watertight holding tank for sewage shall remove all solid and liquid contents as to prevent a nuisance or a menace to public health or comfort and shall dispose of the sewage in compliance with applicable State and local requirements.

B. Transportation.

(1) A person engaged in the transportation of septage shall comply with § B(2) and (3) of this regulation.

(2) Vehicle Requirements.

(a) The owner of each vehicle used for transporting septage shall maintain the vehicle in a clean and sanitary condition; and

(b) Each vehicle is subject to inspection by the Department or the Department's designee.

(3) The owner shall comply with following vehicle identification requirements:

(a) The name of the septage hauler is legibly lettered on both sides of each vehicle used for transporting septage, and the lettering is at least 3 inches in height.

(b) The words "Sewage Only" is lettered on the rear of each vehicle and shall be at least 6 inches in height.

#### **.10 Variances.**

The Department of the Environment may grant variances to area, well siting, distances and slope requirements of these regulations upon the recommendation of the Approving Authority provided that the public health is protected.

#### **.11 Appeal.**

A person aggrieved by a final decision of the Approving Authority in a contested case has the right to have the decision reviewed in accordance with the provisions of the Administrative Procedure Act and other applicable statutes and regulations. All appeals shall be filed with the Director, Water Management Administration, within 30 days after notification of the final decision by the Approving Authority.

#### **.12 Penalty.**

A person who violates any provision of these regulations shall, upon conviction, be guilty of a misdemeanor and subject to a fine of not less than \$50 and not more than \$100 for each offense. Each day's failure to comply with any provision of these regulations shall constitute a separate violation. The Approving Authority may also seek injunctive relief to enforce provisions of this regulation by initiating appropriate civil proceedings.

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

## **Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE**

### **26.04.05 Shared Facilities and Community Systems**

Authority: Environment Article, §9-206,9-252,9-314, 9-319,9-510,9-1110, 10-103 Annotated Code of Maryland

#### **Notice of Proposed Action**

[13-397-P]

The Secretary of the Environment proposes to repeal existing Regulations **.01—.03** and adopt new Regulations **.01—.03** under **COMAR 26.04.05 Shared Facilities and Community Systems**.

#### **Statement of Purpose**

The purpose of this action is to adopt new regulations to be consistent with the requirements of Environment Article, §9-1110, Annotated Code of Maryland. The new regulations define and establish requirements for shared facilities, community systems and controlling authorities consistent with the requirements of Environment Article, §9-1110, Annotated Code of Maryland.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Jay Prager, Deputy Director, Wastewater Permits Program, MDE, Water Management Administration, 1800 Washington Boulevard, Baltimore, MD 21230, or call 410-537-3780, or email to Jay.Prager@maryland.gov, or fax to 410-537-3163. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

### .01 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Approving authority" means the Secretary of the Department of the Environment or the Secretary's designee.

(2) Controlling Authority.

(a) "Controlling authority" means a unit of government, a body politic and corporate, or an inter-county agency authorized by the State, a county, or a municipal corporation to provide for the management, operation, and maintenance of a community system, a shared facility, or multiuse sewerage system.

(b) "Controlling authority" includes the capability to purchase, hold, lease, build, construct, own, operate, repair, maintain and improve a shared facility or community system in a county.

(3) "Community system" means a publicly or privately owned water or sewerage system that serves at least two lots.

(4) "Shared facility" means a water or sewerage system that:

(a) Serves more than one lot and is owned in common by the users;

(b) Serves more than one condominium unit and is owned in common by the users or by a condominium association;

(c) Serves more than one user and is located on individual lots owned by the users;

(d) Serves more than one user on one lot and is owned in common by the users;

(e) Is located wholly or partly on any of the common elements of a condominium; or

(f) Serves a housing or another multiple ownership cooperative.

(5) "User" means a single family residence, commercial unit, condominium unit or equivalent, which is served by the shared facility.

### .02 Applicability.

A. The requirements of this chapter apply to all new shared facilities and community systems and any expansion or change in use of a shared facility or community system.

B. A controlling authority that conforms to all applicable State and county laws, ordinances, and regulations is required for all shared facilities and community systems.

C. A shared facility or community system may be approved only if the system is managed, operated, and maintained by:

(1) A controlling authority; or

(2) A third party under contract with the controlling authority.

D. The controlling authority may not be the approving authority.

E. The controlling authority may establish, operate, or manage a shared facility or community system if this action does not violate any federal, State, or local laws or regulations, and is in compliance with the county water and sewer plan, and would be in the interest of the public health, safety, and comfort.

F. In all cases, the controlling authority and its designee shall be approved by the approving authority and the Department of the Environment. This approval shall be conditional upon the financial and ownership requirements as are found necessary to insure continued efficient and effective operation of the system.

G. The controlling authority shall make such provisions as are necessary to insure that all sanitary facilities under its control cannot

be dissolved or otherwise made legally or functionally inoperative unless the sanitary facilities are replaced by facilities which provide equal or better protection to the public health and that of the users, except when the users no longer require any sanitary facilities.

H. A person may apply in writing to a controlling authority requesting the controlling authority to establish and operate a shared facility or community system.

I. The approving authority may order the controlling authority to perform repairs or corrections in order to insure proper operation of the shared facility.

### .03 Design.

A. The development of a shared sewerage system may not be approved if, in the opinion of the Secretary, the disposal of sewage would be prejudicial to health or result in contamination of the waters of the State.

B. The construction and operation of a water or sewerage system shall comply with all applicable State and local laws and regulations.

C. The design of all water and sewerage treatment and disposal shared facilities shall be reviewed and approved by the Department of the Environment and the approving authority.

D. A shared facility or community sewerage system may be approved only if the system discharges:

(1) To the surface waters of the State in accordance with an individual National Pollutant Discharge Elimination permit;

(2) By way of land application under a nutrient management plan that assures 100 percent of the nitrogen and phosphorus in the applied effluent will be taken up by vegetation; or

(3) By way of an on-site sewage disposal system.

E. On-Site Sewage Disposal Criteria.

(1) For each user, an area or areas of land suitable for sewage disposal equivalent to the area requirements specified in COMAR 26.04.03 shall be set aside for onsite sewage disposal. The Department of the Environment may grant a reduction in the area requirement when an individual State discharge permit is issued.

(2) The suitability of land for onsite sewage disposal is determined in accordance with COMAR 26.04.02 and 26.04.03.

(3) The land set aside for sewage disposal has enough area for the construction of the initial disposal field and two replacement fields as a minimum.

(4) The land set aside for sewage disposal may not have any structures erected upon it, except that the approving authority may approve the installation of playground or athletic equipment of types that do not affect the operation or performance of the systems.

(5) The land set aside for sewage disposal may not be disturbed by earth moving or grading after its approval for use by the approving authority without prior authorization by the approving authority.

(6) A covering or topping such as gravel, asphalt, or concrete, which impedes the growth of vegetation, may not be placed on the land set aside for subsurface disposal.

(7) The wastewater flow, by which the sizing of the disposal fields is determined, is calculated by adding the flows per individual unit which are determined in accordance with COMAR 26.04.02.

F. Collection Line Criteria.

(1) All piping, pumps, and control equipment are capable of withstanding the corrosive effects of anaerobic sewage.

(2) Duplex pumping facilities are not required for individual home pumping units.

G. Septic Tank Criteria.

(1) All shared sewerage systems, which use septic tanks, shall have one tank per dwelling unit.

(2) Septic tanks are watertight and have a lockable access port extending to ground level. The access port shall be at least 24 inches in its minimum dimension, to enable routine inspection and cleaning.

(3) All tanks are located so as to be accessible for cleaning and maintenance.

#### H. Pump Criteria.

(1) All sewage disposal systems using septic tank effluent pumping (STEP) type collection system shall have an individual pump for each user.

(a) The pumps are housed in a water-tight pump pit with access to the surface of the ground.

(b) All pumps are located so as to be accessible for repair and replacement.

I. The approving authority, with the concurrence of the Department of the Environment, may grant an exception to §§F, G, and H of this regulation when, if the opinion of the approving authority, the exceptions result in improved or equivalent operation, maintenance, or benefit to the public health, and when improved technology, determined by the approving authority to be equivalent or an improvement to that specified in §§F, G, and H, is employed.

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

## Subtitle 08 WATER POLLUTION

### Notice of Proposed Action

[13-405-P]

The Secretary of the Environment proposes to amend:

- (1) Regulation .01 under **COMAR 26.08.01 General**;
- (2) Regulations .01, .02, .02-1, .03-2, .03-3, .04, .04-1, .07, .08, and .11 under **COMAR 26.08.02 Water Quality**; and
- (3) Regulations .02-1 and .04 under **COMAR 26.08.04 Permits**.

#### Statement of Purpose

The purpose of this action is to revise water quality standards as a result of the Triennial Review process. The review revealed several necessary amendments and additions to the water quality standards:

1. Add a definition.
2. Correct an error in the description of Water Quality Standards.
3. Update numeric toxics criteria.
4. Change the term "Use" to "Class" to better characterize the combination of waterbody type and designated uses given to each waterbody.
5. Update the list of "Tier II" (high quality) waters.
6. Amend designated uses which reflect existing uses.
7. Standardize the coordinate system for describing locations of waterbodies.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to John Backus, Environmental Program Manager, Maryland Department of the Environment, 1800 Washington Blvd. Baltimore, MD 21230, or call 410-537-3965, or

email to [john.backus@maryland.gov](mailto:john.backus@maryland.gov). Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the Maryland Department of the Environment during a public meeting to be held on January 7, 2014, at 3 p.m., at MDE Headquarters, 1800 Washington Blvd., Baltimore, MD 21230.

### 26.08.01 General

Authority: Environment Article, §§9-313—9-316, 9-319, 9-320, 9-325, 9-327, and 9-328, Annotated Code of Maryland

#### .01 Definitions.

##### A. General.

- (1)—(95) (text unchanged)
- (95-1) "Use Class" means the combination of waterbody type (e.g. non-tidal) and designated uses given to each waterbody.
- (96)—(103) (text unchanged)

### 26.08.02 Water Quality

Authority: Environment Article, §§9-303.1, 9-313—9-316, 9-319, 9-320—9-325, 9-327, and 9-328, Annotated Code of Maryland

#### .01 Surface Water Quality Protection.

##### A. (text unchanged)

##### B. Water Quality Standards.

(1) The surface water quality standards consist of [two] *three* parts:

- (a) Designated uses of the waters of this State; [and]
- (b) Water quality criteria to protect the designated uses[.],

and

(c) *Antidegradation Policy*

(2)—(5) (text unchanged)

#### .02 Designated Uses.

##### A. (text unchanged)

##### B. Specific Designated Use[s] *Classes*.

(1) [Use] *Class I*: Water Contact Recreation, and Protection of Nontidal Warmwater Aquatic Life. This [use] *class* designation includes waters that are suitable for:

(a)—(f) (text unchanged)

(2) [Use] *Class I-P*: Water Contact Recreation, Protection of Aquatic Life, and Public Water Supply. This [use] *class* designation includes:

- (a) All uses identified for [Use] *Class I*; and
- (b) (text unchanged)

(3) [Use] *Class II*: Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting. This [use] *class* designation includes all applicable uses identified for [Use] *Class I* in:

(a)—(b) (text unchanged)

(4) [Use] *Class II-P*: Tidal Fresh Water Estuary. This [use] *class* designation includes:

- (a) All uses identified for [Use] *Class II* waters; and
- (b) (text unchanged)

(5) [Use] *Class III*: Nontidal Cold Water. This [use] *class* designation includes all uses identified for [Use] *Class I* and waters which have the potential for or are[.]

[[a)] [S]suitable for the growth and propagation of *self-sustaining trout[;] populations and other coldwater obligate species including, but not limited to the stoneflies tallaperla and sweltsa.*

[[b)] Capable of supporting self-sustaining trout populations and their associated food organisms. ]

(6) [Use] *Class III-P*: Nontidal Cold Water and Public Water Supply. This [use] *class* designation includes:

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(a) All uses identified for [Use] *Class* III waters; and

(b) (text unchanged)

(7) [Use] *Class* IV: Recreational Trout Waters. This [use] *class* designation includes all uses identified for [Use] *Class* I in cold or warm waters that have the potential for or are:

(a)—(b) (text unchanged)

(8) [Use] *Class* IV-P: Recreational Trout Waters and Public Water Supply. This [use] *class* designation includes:

(a) All uses identified for [Use] *Class* IV waters; and

(b) (text unchanged)

## .02-1 Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting.

A. [Use] *Class* II includes the subcategories of designated uses described in this section.

B.—G. (text unchanged)

## .03-2 Numerical Criteria for Toxic Substances in Surface Waters.

A.— F. (text unchanged)

G. Tables of Ambient Water Quality Criteria.

(1) (text unchanged)

(2) Table 2. Toxic Substances for Ambient Water Quality Criteria — Organic Compounds.

Substance	CAS#	Aquatic Life (µg/L)				Human Health for Consumption of:		
		Fresh Water		Salt Water		Drinking Water + Organism (µg/L)	Organism Only (µg/L)	Drinking Water MCL (mg/L)
		Acute	Chronic	Acute	Chronic			
1,1 Dichloroethylene (DCE)—N-Nitrosodiphenylamine (text unchanged)								
<i>Nonylphenol</i>	84852153	28	6.6	7	1.7			
Phenol	108952					10000	860000	
Tetrachloroethylene— Vinyl chloride (text unchanged)	127184					6.9	33	0.005

<sup>1</sup> (text unchanged)

\* (text unchanged)

(3) (text unchanged)

(4) Table 4. Toxic Substances for Ambient Water Quality Criteria-Pesticides and Chlorinated Compounds.

Substance	CAS#	Aquatic Life (µg/L)				Human Health for Consumption of:		
		Fresh Water		Salt Water		Drinking Water + Organism (µg/L)	Organism Only (µg/L)	Drinking Water MCL (mg/L)
		Acute	Chronic	Acute	Chronic			
2, 3, 7, 8-TCDD (Dioxin) — Aldrin (text unchanged)								
alpha-BHC					[0.026]	[0.049]0.026	0.049	
alpha-Endosulfan—beta-Endosulfan (text unchanged)								
<i>Carbaryl</i>	63252	2.1	2.1	1.6				
Chlordane—Chlorpyrifos (text unchanged)								
<i>Diazinon</i>	333415	0.17	0.17	0.82	0.82			
Dieldrin — Pentachlorophenol (PCP)1 (text unchanged)								

<sup>1</sup> (text unchanged)

\* (text unchanged)

H. Acute Numeric Toxic Substance Criteria for Ammonia for the Protection of Fresh Water Aquatic Life (Table 1).

(1) Presence of Salmonid Fish. In [Use] *Class* III, III-P, IV, and IV-P waters, the concentration of total ammonia (in milligrams of nitrogen per liter) may not exceed the acute criterion listed under “Salmonids Present” in Table 1.

(2) Absence of Salmonid Fish. In [Use] *Class* I and I-P waters, the concentration of total ammonia (in milligrams of nitrogen per liter) may not exceed the acute criterion listed under “Salmonids Absent” in Table 1.

(3) Table 1 (text unchanged)

<sup>1</sup> The acute water quality criteria for total ammonia where salmonids may be present was calculated using the following equation, which may also be used to calculate unlisted values: Acute water quality criteria for ammonia (salmonids present) =  $[[0.275/(1+10^{(7.204-pH)})]+[39.0/(1+10^{(pH-7.204)})]]$

$$\frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}$$

<sup>2</sup> The acute water quality criteria for total ammonia where salmonids are absent were calculated using the following equation, which may also be used to calculate unlisted values: Acute water quality criteria for ammonia (salmonids absent) =  $[[0.411/(1+10^{(7.204-pH)})]+[58.4/(1+10^{(pH-7.204)})]]$

$$\frac{0.411}{1+10^{7.204-pH}} + \frac{58.4}{1+10^{pH-7.204}}$$

I. Chronic Numeric Toxic Substance Criteria for Ammonia, Expressed as a 30-day Average, for the Protection of Fresh Water Aquatic Life (Tables 1 and 2).

(1)—(3) (text unchanged)

(4) Table 1. (text unchanged)

<sup>1</sup> The freshwater chronic water quality criteria for total ammonia where fish early life stages may be present were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages present) =  $[[0.0577/(1 + 107.688 - pH)]+[2.487/(1 + 10^{pH - 7.688})] \times \text{MIN}(2.85, 1.45 \times 100.028 \times (25 - T))]$

$$\left( \frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times \text{MIN}(2.85, 1.45 \times 10^{0.028 \times (25-T)})$$

Where MIN indicates the lesser of the two values separated by a comma.

(5) Table 2. (text unchanged)

<sup>1</sup>The freshwater chronic water quality criteria for total ammonia where fish early life stages are absent were calculated using the following equation, which may also be used to calculate unlisted values:

Freshwater chronic water quality criterion for ammonia (fish early life stages absent) =  $[[0.0577/(1 + 107.688 - pH)] + [2.487/(1 + 10^{pH - 7.688})] \times 1.45 \times 100.028 \times (25 - \text{MAX}(T, 7))]$

$$\left( \frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times 1.45 \times 10^{0.028 \times (25-\text{MAX}(T, 7))}$$

Where MAX indicates the greater of the two values separated by a comma.

<sup>2</sup>At 15°C and above, the criterion for fish early life stage absent is the same as the criterion for fish early life stage present.

J.—K. (text unchanged)

### .03-3 Water Quality Criteria Specific to Designated Uses.

A. Criteria for [Use] *Class* I Waters—Water Contact Recreation and Protection of Nontidal Warmwater Aquatic Life.

(1)—(7) (text unchanged)

(a)—(c) (text unchanged)

B. Criteria for Subcategory [Use] *Class* I-P Waters—Water Contact Recreation, Protection of Nontidal Warmwater Aquatic Life and Public Water Supply. The following criteria apply:

(1) The criteria for [Use] *Class* I waters in §A(1)—[(5)](6); and

(2) (text unchanged)

C. Criteria for [Use] *Class* II Waters—Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting.

(1) Bacteriological Criteria. These criteria are the same as for [Use] *Class* I, criteria for protection of recreational use, except, in Shellfish Harvest Waters, the following criteria also apply. In Shellfish Harvest waters, there may not be any pathogenic or harmful organisms in sufficient quantities to constitute a public health hazard in the use of waters for shellfish harvesting. A public health hazard for the consumption of raw shellfish will be presumed:

(a)—(c) (text unchanged)

(2) Classification of [Use] *Class* II Waters for Harvesting.

(a)—(d) (text unchanged)

(3) Temperature—same as [Use] *Class* I waters.

(4) pH—same as [Use] *Class* I waters.

(5) Turbidity—same as [Use] *Class* I waters.

(6) Color—same as [Use] *Class* I waters.

(7) (text unchanged)

(8) Dissolved Oxygen Criteria for [Use] *Class* II Waters.

(a) This criteria is the same as for [Use] *Class* I waters, except for the Chesapeake Bay mainstem and associated tidal tributary subcategories.

(b)—(h) (text unchanged)

(9)—(10) (text unchanged)

(11) Compliance Schedules for Protection of Downstream Uses in Tidal Waters.

(a) (text unchanged)

(b) An upstream state issuing discharge permits to existing dischargers which contain new or revised effluent limitations based on the water quality standards contained in §C(8) and (9) of this regulation may apply the compliance schedule provisions of COMAR 26.08.04.02C. C-1. Criteria for [Use] *Class* II-P Waters—Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting and Public Water Supplies. The following criteria apply:

C-1. Criteria for [Use] *Class* II-P Waters—Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting and Public Water Supplies. The following criteria apply:

(1) The criteria for [Use] *Class* II waters in §C(1)—(8), (9)(a)—(c), (10), and (11); and

(2) (text unchanged)

D. Criteria for [Use] *Class* III Waters—Nontidal Cold Water.

(1) Bacteriological—same as [Use] *Class* I waters.

(2) (text unchanged)

(3) Temperature.

(a) (text unchanged)

(b) Ambient temperature—Same as [Use] *Class* I.

(c) (text unchanged)

(d) It is the policy of the State that riparian forest buffer adjacent to [Use] *Class* III waters shall be retained whenever possible to maintain the temperatures essential to meeting this criterion.

(4) pH—same as [Use] *Class* I waters.

(5) Turbidity—same as [Use] *Class* I waters.

(6) Color—Same as [Use] *Class* I-P waters.

(7) Total Residual Chlorine (TRC). Except as provided in COMAR 26.08.03.06, the Department may not issue a permit

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allowing the use of chlorine or chlorine-containing compounds in the treatment of wastewaters discharging to [Use] *Class III* and [Use] *Class III-P* waters.

(8) (text unchanged)

E. Criteria for [Use] *Class III-P* Waters—Nontidal Cold Water and Public Water Supplies.

(1) Exception. Authorized operation of the Little Seneca Creek Dam means that all operational activities permitted are met under the conditions of a dam operating permit issued by the Department of Natural Resources under Natural Resources Article, §§8-801—8-814, Annotated Code of Maryland, and COMAR 08.05.03. Injury resulting from the authorized operation of Little Seneca Creek Dam to the [Use] *Class III* natural trout fishery recognized in the stream use designation assigned to Little Seneca Creek in Regulation .08 of this chapter is not considered a violation of this chapter.

(2) The following criteria apply:

- (a) The criteria for [Use] *Class III* waters in §D(1)—(7); and
- (b) (text unchanged)

F. Criteria for [Use] *Class IV* Waters—Recreational Trout Waters.

- (1) Bacteriological—same as [Use] *Class I* waters.
- (2) Dissolved oxygen—same as [Use] *Class I* waters.
- (3) Temperature.
  - (a) (text unchanged)
  - (b) Ambient temperature—Same as [Use] *Class I*.

(c) (text unchanged)

(d) It is the policy of the State that riparian forest buffer adjacent to [Use] *Class IV* waters shall be retained whenever possible to maintain the temperatures essential to meeting this criterion.

(4) pH—same as [Use] *Class I* waters.

(5) Turbidity—same as [Use] *Class I* waters.

(6) Color—same as for [Use] *Class I* waters.

(7) (text unchanged)

G. Criteria for [Use] *Class IV-P* Waters—Recreational Trout Waters and Public Water Supplies. The following criteria apply:

(1) The criteria for [Use] *Class IV* waters in §F(1)—(6); and

(2) (text unchanged)

H. Criteria for Public Water Supply Reservoirs. The following criteria apply in freshwater reservoirs designated [Use] *Class I-P*, *III-P* or *IV-P*:

(1)—(2) (text unchanged)

## .04 Anti-Degradation Policy.

A. Waters of this State shall be protected and maintained for existing uses and the basic uses of water contact recreation, fishing, protection of aquatic life and wildlife, and agricultural and industrial water supply as identified in [Use] *Class I*.

B.—F. (text unchanged)

## .04-1 Antidegradation Policy Implementation Procedures.

A.—N. (text unchanged)

O. List of Tier II Waters.

Date	Stream Name	County	12-Digit Watershed	From Lat	From Long	To Lat	To Long	Baseline: Fish IBI	Benthic IBI
Black Sulphur Run 1—Beetree Run 1 (text unchanged)									
2012	<i>Bens Run 1</i>	<i>Baltimore</i>	<i>021309061018</i>	<i>39.31682</i>	<i>-76.79279</i>	<i>39.31402</i>	<i>-76.79400</i>	<i>4.44</i>	<i>4.00</i>
Blackrock Run 1— Beaver Run 1 (text unchanged)									
2012	<i>Beaver Run 2</i>	<i>Carroll</i>	<i>021309071057</i>	<i>39.51555</i>	<i>-76.93302</i>	<i>39.50302</i>	<i>-76.91245</i>	<i>4.50</i>	<i>4.00</i>
Gillis Falls 1—Reeder Run 2 (text unchanged)									
2012	<i>Swanson Creek 4</i>	<i>Charles</i>	<i>021311010892</i>	<i>38.56522</i>	<i>-76.76043</i>	<i>38.56323</i>	<i>-76.75701</i>	<i>4.00</i>	<i>4.60</i>
Swanson Creek UT 1—Zekiah Swamp Run 6 (text unchanged)									
2012	<i>Zekiah Swamp Run 7</i>	<i>Charles</i>	<i>021401080768</i>	<i>38.61910</i>	<i>-76.82968</i>	<i>38.61393</i>	<i>-76.83266</i>	<i>4.17</i>	<i>4.86</i>
Zekiah Swamp Run UT 1—Mattawoman Creek 1 (text unchanged)									
2012	<i>Mattawoman Creek 2</i>	<i>Charles, Prince George's</i>	<i>021401110786</i>	<i>38.65234</i>	<i>-76.90833</i>	<i>38.65252</i>	<i>-76.91689</i>	<i>4.00</i>	<i>4.14</i>
Swanson Creek 1— Buffalo Run 2 (text unchanged)									
2012	<i>Buffalo Run 3</i>	<i>Garrett</i>	<i>050202010019</i>	<i>39.68781</i>	<i>-79.41738</i>	<i>39.68685</i>	<i>-79.41002</i>	<i>4.00</i>	<i>4.25</i>
Casselman River —IBynum Run UT 1 (text unchanged)									
2012	<i>Cattail Branch UT 1</i>	<i>Harford</i>	<i>021202020328</i>	<i>39.62017</i>	<i>-76.49403</i>	<i>39.63521</i>	<i>-76.49927</i>	<i>5.00</i>	<i>4.33</i>
Deer Creek 2— Chaptico Run 1 (text unchanged)									
2012	<i>Fisherman Creek 1</i>	<i>Saint Mary's</i>	<i>021401030712</i>	<i>38.21065</i>	<i>-76.40307</i>	<i>38.19762</i>	<i>-76.41925</i>	<i>4.67</i>	<i>4.00</i>
Forrest Hall Branch 1— Nassawango Creek 3 (text unchanged)									

P. (text unchanged)

**.07 Surface Water Use Designation.**

A—D. (text unchanged)

E. Stream segments, listed below in tabular form, shall be given the additional protection required for:

- (1) Shellfish harvesting waters ([Use] *Class II* waters);
- (2) Shallow water submerged aquatic vegetation ([Use] *Class II* waters);
- (3) Migratory fish spawning and nursery ([Use] *Class II* waters);
- (4) Natural trout waters ([Use] *Class III* and [Use] *Class III-P* waters);
- (5) Recreational trout waters ([Use] *Class IV* and [Use] *Class IV-P* waters);
- (6) Public water supply ([Use] *Class I-P*, *II-P*, *III-P*, and *IV-P* waters).

[F. For each sub-basin in Regulation .08, information is arranged under the following headings:

- (1) Use—Refers to water classification;
- (2) Waters—Exact name of stream segment or segments;
- (3) For geographic reference:

(a) MCGS—Most downstream point or line for each stream segment using the Maryland Coordinate Grid System (East/North);

(b) Latitude/Longitude—Point may reference a limit (NAD 27 or NAD 83) as a point identifier for a tidal (Use II) segment; or

may indicate most downstream point or line for a stream segment as in §F(3)(a) of this regulation;

(4) Limits—Written description of boundary of stream segment or tidal segment established by MCGS or MDE;

(5) Any stream segment not listed in Regulation .08 is Use I water.

G. Stream segment classifications for each sub-basin are in Regulation .08.]

**.08 Stream Segment Designations.**

A. General.

(1) [If using the Maryland Coordinate Grid System (MCGS) (Easting/Northing), the limits indicate the most downstream point or line for the segment. The North American Datum (NAD) for the MCGS is NAD27.] *All geographic coordinates provided within this regulation are expressed in decimal degrees latitude and longitude using the North American Datum of 1983. For most Class I, I-P, III, III-P, IV, or IV-P waters, the limits indicate the most downstream point or line for the segment. In some cases, an upstream point and a downstream point are provided to describe those uses that may apply only to a limited segment of a water body. Any waterbody not listed is a Class I water.*

(2)—(5) (text unchanged)

[B.]—[U.] (proposed for repeal)

*B. Sub-Basin 02-12-02: Lower Susquehanna River Area.*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: Susquehanna River and all tributaries except those designated below as Class III-P or Class IV-P	39.664764	-76.171530	Upstream of Conowingo Dam to MD/PA line
	39.656485	-76.176049	
(2) Class II:			
(a) Northern Chesapeake Bay (CB1TF2-Class II-P): Susquehanna River mainstem from downstream side of Conowingo Dam on eastern and western shores to confluence with Chesapeake Bay.	39.475132	-76.097580	(1) West side of Spesutie Narrows bridge
Designated Uses Present in Segment:	39.476006	-76.094421	(2) East side of Spesutie Narrows bridge
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.475323	-76.072807	(3) Locust Pt. on Spesutie Island
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	39.449471	-76.010475	(4) Turkey Pt., 0.1 miles WSW of lighthouse
Application Depth: 2.0 meters, NGZ present	39.529629	-75.979271	(5) Red Pt.
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	39.540794	-76.002899	(6) East side of Carpenter Pt.
	39.608994	-76.121094	(7) Port Deposit
	39.608959	-76.132683	(8) East side Spencer Island
	39.609001	-76.135147	(9) West side Spencer Island
	39.608971	-76.143379	(10) Just south of Rock Run on western shore
(b) Northern Chesapeake Bay (CB1TF1): Upper Bay mainstem to confluence with CB1TF2 (Susquehanna River), Northeast River (NORTF), Elk River (ELKOH), and CB2OH.	39.420143	-76.123344	(1) 1,000 feet SW of Cherry Tree Pt., APG
Designated Uses Present in Segment:	39.401688	-76.035194	(2) North of Chesapeake Haven, Grove Neck
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.429420	-75.997681	(3) 1,300 feet SW of Wroth Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	39.449200	-76.007698	(4) Turkey Pt.
Application Depth: 1 meters, NGZ present	39.449471	-76.010475	(5) Turkey Pt., 0.1 miles WSW of lighthouse

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<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	39.475323	-76.072807	(6) Locust Pt. on Spesutie Island
	39.476006	-76.094421	(7) East side of Spesutie Narrows bridge
	39.475132	-76.097580	(8) West side of Spesutie Narrows bridge
(3) Class III:			
(a) Rock Run and all tributaries (Cecil County)	39.613544	-76.126972	Upstream of mouth
(4) Class III-P:			
(a) Deer Creek and all tributaries	39.674848	-76.452907	Upstream of Eden Mill Dam
(b) Basin Run and all tributaries	39.661881	-76.147460	
(c) Kellogg Branch and all tributaries	39.632161	-76.410853	
(d) North Stirrup Run and all tributaries	39.614847	-76.401356	
(e) South Stirrup Run and all tributaries	39.614807	-76.401332	
(f) Deep Run and all tributaries	39.691746	-76.259980	
(g) Gladden Branch and all tributaries	39.638320	-76.411963	
(h) Rock Hollow Branch and all tributaries	39.652505	-76.437817	
(i) Love Run and all tributaries	39.690233	-76.126986	
(j) Stone Run and all tributaries	39.701802	-76.110017	
(k) Wet Stone Branch and all tributaries	39.647146	-76.431712	
(l) Unnamed tributary to Deer Creek and all tributaries to this unnamed tributary	39.637940	-76.424561	Near Rock Ridge Road
(m) Little Deer Creek and all tributaries	39.660788	-76.439732	
(n) Elbow Branch and all tributaries	39.618468	-76.169240	
(o) Unnamed tributary to Broad Creek and all tributaries	39.689695	-76.237823	Upstream of confluence with another unnamed tributary
(p) Happy Valley Branch and all tributaries	39.602124	-76.094247	Upstream of Route 222 Bainbridge Road
(q) Unnamed tributary to the Susquehanna River and all tributaries	39.579619	-76.087854	
(5) Class IV: None.			
(6) Class IV-P:			
(a) Deer Creek and all tributaries	39.613418	-76.148934	From mouth to Eden Mill Dam
(b) Octoraro Creek	39.656256	-76.158615	Mainstem only

*C. Sub-Basin 02-13-01: Coastal Area.*

C. Sub-Basin 02-15-01: Coastal Area.			
Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: None.			
(2) Class II:			
(a) All tidal waters within this sub-basin.			
(b) The Shellfish Harvest designated use applies to all portions of this sub-basin except:			
(i) Bishopville Prong and tributaries	38.414613	-75.178402	Upstream of confluence with St. Martins River
	38.412382	-75.179411	
(ii) Shingle Landing Prong and its tributaries	38.408423	-75.173525	Upstream of confluence with St. Martins River at Piney Island
	38.405700	-75.175124	
(iii) Herring Creek and its tributaries	38.339036	-75.129811	Upstream of Rt. 50
(iv) Ocean City Harbor	38.327723	-75.099180	Upstream of entrance to West Ocean City Harbor
	38.326950	-75.100301	
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

D. Sub-Basin 02-13-02: Pocomoke River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: None.			
(2) Class II:			
(a) Upper Pocomoke River Tidal Fresh (POCTF):	38.062958	-75.617470	(1) West of Unionville, Somerset Co. side
Designated Uses Present in Segment:	38.062840	-75.616302	(2) West of Unionville, Worcester Co. side
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.183201	-75.391991	(3) Snow Hill, 1,900 feet upstream of Rt. 12
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: .05 meters, NGZ Present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
(b) Middle Pocomoke River Oligohaline (POCOH):	37.966858	-75.674603	(1) On mainland 4,000 feet NW of Fair Island
Designated Uses Present in Segment:	37.951850	-75.676225	(2) MD/VA State Line-Pocomoke Sound
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	37.949924	-75.667353	(3) MD/VA State Line-Pocomoke Sound
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	37.945125	-75.656153	(4) MD/VA State Line south of Williams Pt.
Application Depth: 0.5 meters, NGZ Present	37.946728	-75.648248	(5) MD/VA State Line-Pocomoke Sound
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	37.966423	-75.648553	(6) MD/VA State Line-700' upstream of mouth
	37.994347	-75.624314	(7) Intersection of Somerset Co. and Worcester Co., MD, and Accomack Co., VA
	37.994449	-75.623122	(8) Worcester Co., MD-Accomack Co., VA boundary
	38.062840	-75.616302	(9) West of Unionville, Worcester Co. side
	38.062958	-75.617470	(10) West of Unionville, Somerset Co. side
(c) Lower Pocomoke River Mesohaline (POCMH):	37.924927	-75.848007	(1) Eastward Pt., on eastern side of Broad Creek
Designated Uses Present in Segment:	37.911789	-75.837732	(2) MD/VA State Line, 1.15 miles south of Cow Gap Island
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	37.912169	-75.801148	(3) MD/VA State Line-Pocomoke Sound
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	37.941226	-75.761753	(4) MD/VA State Line-Pocomoke Sound
Application Depth: 1.0 meters, NGZ Present	37.954523	-75.704753	(5) MD/VA State Line-Pocomoke Sound
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	37.955237	-75.691653	(6) MD/VA State Line-Pocomoke Sound
Shellfish Harvest Use: See §D(2)(j) of this regulation	37.951850	-75.676225	(7) MD/VA State Line-Pocomoke Sound
	37.966858	-75.674603	(8) On mainland 4,000 feet NW of Fair Island
(d) Manokin River Mesohaline (MANMH1):	38.131565	-75.948860	(1) Wenona on Deal Island, north of channel
Designated Uses Present in Segment:	38.125946	-75.941216	(2) Eastern point on north side of Little Deal Island
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.122917	-75.937126	(3) Eastern side of Little Deal Island
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.078552	-75.877586	(4) Hazard Island, 1,200 feet NE of tip of Hazard Pt.
Application Depth: 2.0 meters	38.075663	-75.871155	(5) Gut between Hazard Cove and Mine Creek, N side
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.075314	-75.870750	(6) Gut between Hazard Cove and Mine Creek, S side
Shellfish Harvest: See §D(2)(j) of this regulation	38.069160	-75.855591	(7) West part Hazard Island at Shirtpond Cove
	38.069599	-75.853897	(8) East part Hazard Island at Shirtpond Cove
	38.073784	-75.848656	(9) W side of gut heading N from Flatland Cove
	38.074146	-75.848228	(10) E side of gut heading N from Flatland Cove
	38.133823	-75.827339	(11) Cormal Pt.

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	38.142979	-75.821144	(12) Champ Pt.
	38.160442	-75.929558	(13) Upper Thorofare at the mouth of Moores Gut
	38.160080	-75.932388	(14) Upper Thorofare, Deal Island side
(e) Manokin River Mesohaline (MANMH2):	38.142979	-75.821144	(1) Champ Pt.
Designated Uses Present in Segment:	38.133823	-75.827339	(2) Cormal Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.172668	-75.732979	(3) Manokin River confluence with Hall Branch
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 0.5 meters			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §D(2)(j) of this regulation			
(f) Big Annemessex River Mesohaline (BIGMH1):	38.058910	-75.868744	(1) South shore of Pat Island
Designated Uses Present in Segment:	38.036049	-75.868935	(2) 700 feet East of Flatcap Pt., Janes Island
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.020973	-75.856819	(3) North side of gut SW of Acre Creek
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.020733	-75.856712	(4) South side of gut SW of Acre Creek
Application Depth: 2.0 meters	38.016033	-75.846458	(5) West side of Daugherty Creek Canal
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.015781	-75.845947	(6) East side of Daugherty Creek Canal
Shellfish Harvest: See §D(2)(j) of this regulation	38.078850	-75.782249	(7) Persimmon Pt.
	38.074585	-75.787170	(8) Charles Pt.
	38.074146	-75.848228	(9) East side of gut heading N from Flatland Cove
	38.073784	-75.848656	(10) W side of gut heading N from Flatland Cove
	38.069599	-75.853897	(11) East part Hazard Island at Shirtpond Cove
	38.069160	-75.855591	(12) West part Hazard Island at Shirtpond Cove
	38.065315	-75.866608	(13) Hazard Island, across gut from Pat Island
	38.064907	-75.866974	(14) NE Pat Island, across gut from Hazard Island
(g) Big Annemessex River Mesohaline (BIGMH2):	38.074585	-75.787170	(1) Charles Pt.
Designated Uses Present in Segment:	38.078850	-75.782249	(2) Persimmon Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.087246	-75.733032	(3) 1,000 feet below confluence with Annemessex Creek
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 0.5 meters			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §D(2)(j) of this regulation			
(h) Tangier Sound Mesohaline (TANMH1):	37.941404	-76.083908	(1) MD/VA boundary, 2.25 miles west of Smith Gut Pt.
Designated Uses Present in Segment:	37.953599	-76.052055	(2) MD/VA boundary, 1,450' west of Hog Neck
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	37.953392	-75.993331	(3) MD/VA boundary, 400' east of Horse Hammock
Application Depth: 2.0 meters, NGZ Present	37.946050	-75.943628	(4) MD/VA boundary, between Smith and Cedar Is
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	37.906718	-75.952630	(5) MD/VA boundary, 2.75 miles west of Clump Island
Shellfish Harvest: See §D(2)(j) of this regulation	37.911304	-75.883558	(6) MD/VA boundary, 300' north of Green Harbor I.
	37.911789	-75.837732	(7) MD/VA boundary, 1.15miles south of Cow Gap Island
	37.924927	-75.848007	(8) Eastward Pt., on eastern side of Broad Creek
	38.015781	-75.845947	(9) East side of Daugherty Creek Canal

	38.016033	-75.846458	(10) West side of Daugherty Creek Canal
	38.020733	-75.856712	(11) South side of gut SW of Acre Creek
	38.020973	-75.856819	(12) North side of gut SW of Acre Creek
	38.036049	-75.868935	(13) 700 feet east of Flatcap Pt., Janes Island
	38.058910	-75.868744	(14) South shore of Pat Island
	38.064907	-75.866974	(15) NE Pat Island, across gut from Hazard Island
	38.065315	-75.866608	(16) Hazard Island, across gut from Pat Island
	38.075314	-75.870750	(17) Gut between Hazard Cove and Mine Cr., south side
	38.075665	-75.871155	(18) Gut between Hazard Cove and Mine Cr., north side
	38.078552	-75.877586	(19) Hazard Island, 1,200 feet NE of tip of Hazard Pt.
	38.122917	-75.937126	(20) Eastern side of Little Deal Island
	38.125946	-75.941216	(21) Eastern point on north side of Little Deal Island
	38.131565	-75.948860	(22) Wenona on Deal Island, north of channel
	38.136566	-75.959633	(23) Twiggs Pt.
	38.232738	-75.972618	(24) Southern-most point of Clay Island
	38.216042	-76.032051	(25) Bishops Head Pt.
	38.215809	-76.032349	(26) Bishops Head Pt.
	38.231964	-76.134285	(27) Lower Hooper I. between Nancys and Creek Pts.
	38.231445	-76.135773	(28) Lower Hooper I. between Nancys and Creek Pts.
(i) Tangier Sound Mesohaline (TANMH2):	38.232738	-75.972618	(1) Southern-most point of Clay Island
Designated Uses Present in Segment:	38.136566	-75.959633	(2) Twiggs Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.160080	-75.932388	(3) Upper Thorofare, Deal Island side
Application Depth: 0.5 meters, NGZ Present	38.160442	-75.929558	(4) Upper Thorofare at the mouth of Moores Gut
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.202679	-75.890579	(5) 1,100 feet west of the tip of Long Pt.
Shellfish Harvest: See §D(2)(j) of this regulation	38.227970	-75.893486	(6) Nanticoke Pt. (Stump Point Marsh)
	38.243217	-75.906105	(7) West of Waterview, north of Jones Creek
	38.244740	-75.941284	(8) Sandy Island, NE of Frog Pt.
(j) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:			
(i) Manokin River and tributaries	38.170831	-75.729079	Upstream of confluence of tributaries Manokin River and Kings Creek
(ii) Big Annemessex River and tributaries	38.087987	-75.746775	Upstream of River Road
(iii) Jenkins Creek	37.959260	-75.864354	Upstream of mouth
	37.953123	-75.863595	
(iv) Fair Island Canal	37.961004	-75.662631	
	37.963180	-75.655446	
(v) Pocomoke River	37.994532	-75.624223	Upstream of MD/VA line
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

E. Sub-Basin 02-13-03: Nanticoke River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: None.			
(2) Class II:			
(a) Upper Nanticoke River Tidal Fresh (NANTF): from Maryland-Delaware state line to confluence with Plum Creek:	38.538052	-75.745972	(1) 600 feet upstream of Molly Horn Branch
Designated Uses Present in Segment:	38.536259	-75.744843	(2) 375 feet upstream of Plum Creek

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<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.642723	-75.606522	(3) Seaford, DE just above Middleford Rd.
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters, NGZ Present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §E(2)(f) of this regulation</i>			
<i>(b) Middle Nanticoke River Oligohaline (NANOH):</i>	38.387169	-75.859673	(1) 900 feet downstream of Wapremander Creek
<i>Designated Uses Present in Segment:</i>	38.381268	-75.839233	(2) 600 feet upstream of Quantico Creek
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.536259	-75.744843	(3) 375 feet upstream of Plum Creek
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.538052	-75.745972	(4) 600 feet upstream of Molly Horn Branch
<i>Application Depth: 0.5 meters</i>	38.553452	-75.774071	(5) Marshyhope Cr., 500 feet downstream of Big Indian Cr.
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §E(2)(f) of this regulation</i>			
<i>(c) Lower Nanticoke River Mesohaline (NANMH):</i>	38.24474	-75.941284	(1) Sandy Island, NE of Frog Pt.
<i>Designated Uses Present in Segment:</i>	38.243217	-75.906105	(2) West of Waterview, North of Jones Creek
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.381268	-75.839233	(3) 600 feet upstream of Quantico Creek
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.387169	-75.859673	(4) 900 feet downstream of Wapremander Creek
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §E(2)(f) of this regulation</i>			
<i>(d) Wicomico River Mesohaline (WICMH):</i>	38.22797	-75.893486	(1) Nanticoke Pt. (Stump Point Marsh)
<i>Designated Uses Present in Segment:</i>	38.202679	-75.890579	(2) 1,100 feet West of the tip of Long Pt.
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.361588	-75.583061	(3) Beaverdam Cr., 3,000 feet upstream of Rt. 12
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters, NGZ present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §E(2)(f) of this regulation</i>			
<i>(e) Fishing Bay Mesohaline (FSBMH):</i>	38.216042	-76.032051	(1) Bishops Head Pt.
<i>Designated Uses Present in Segment:</i>	38.232738	-75.972618	(2) Southern-most point of Clay Island
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.404148	-76.002716	(3) Transquaking River west of Thorofare Marsh
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.404133	-76.029968	(4) Backgarden Pond, SE shore
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §E(2)(f) of this regulation</i>			
<i>(f) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:</i>			
<i>(i) Blackwater River and tributaries</i>	38.356427	-76.012288	Upstream from mouth
	38.355141	-76.008626	
<i>(ii) Transquaking River and tributaries</i>	38.368143	-76.004863	Upstream from mouth

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	38.370119	-75.994901	
(iii) Nanticoke River and tributaries	38.353333	-75.855293	Upstream of line from Runaway Pt. to Long Pt.
	38.359609	-75.863337	
(iv) Wicomico River and tributaries	38.267422	-75.788291	Upstream of ferry crossing at White Haven
(v) Monie Creek	38.230120	-75.819620	Upstream from mouth
	38.229650	-75.823509	
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

*F. Sub-Basin 02-13-04: Choptank River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
(1) Class I-P: None.			
(2) Class II:			
(a) Upper Choptank River Tidal Fresh (CHOTF):	38.810635	-75.902985	(1) 1,850 feet downstream from mouth of Tuckahoe Cr.
Designated Uses Present in Segment:	38.808270	-75.900391	(2) 1,000 feet downstream of Gilpin Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.980827	-75.792931	(3) 3,500 feet upstream of Rt. 313 bridge
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 0.5 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §F(2)(g) of this regulation			
(b) Middle Choptank River Oligohaline (CHOOH):	38.653545	-75.959129	(1) 1.5 miles downstream of Bow Knee Pt.
Designated Uses Present in Segment:	38.647415	-75.952339	(2) 1.05 miles upstream of Cabin Creek
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.808270	-75.900391	(3) 1,000 feet downstream of Gilpin Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.810635	-75.902985	(4) 1850 feet downstream from mouth of Tuckahoe Cr.
Application Depth: 0.5 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §F(2)(g) of this regulation			
(c) Lower Choptank River Mesohaline (CHOMH2):	38.649193	-76.153114	(1) 0.9 miles N. of Chlora Pt.
Designated Uses Present in Segment:	38.628571	-76.171051	(2) 400 feet west of Castle Haven Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.647415	-75.952339	(3) 1.05 miles upstream of Cabin Creek
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.653545	-75.959129	(4) 1.5 miles downstream of Bow Knee Pt.
Application Depth: 1.0 meters			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §F(2)(g) of this regulation			
(d) Mouth of the Choptank River Mesohaline (CHOMH1):	38.672421	-76.340698	(1) 720 feet along shore NNW of Blackwalnut Pt.
Designated Uses Present in Segment:	38.573353	-76.306503	(2) Hills Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.571705	-76.336029	(3) 1.6 miles almost due west of Hills Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.628571	-76.171051	(4) 400 feet west of Castle Haven Pt.

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<i>Application Depth: 2.0 meters, NGZ present</i>	38.649193	-76.153114	(5) 0.9 miles N. of Chlora Pt.
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	38.719967	-76.333054	(6) North side Knapps Narrows, 150 feet west of Rt. 33
<i>Shellfish Harvest: See §F(2)(g) of this regulation</i>	38.719185	-76.334084	(7) South side Knapps Narrows, 275 feet west of Rt. 33
<i>(e) Little Choptank River Mesohaline (LCHMH):</i>	38.571705	-76.336029	(1) 1.6 miles almost due west of Hills Pt.
<i>Designated Uses Present in Segment:</i>	38.231964	-76.306503	(2) Hills Pt.
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.527523	-76.333801	(3) East edge of tidal flat N of existing James Island
<i>Application Depth: 2.0 meters</i>	38.526997	-76.333771	(4) 190 feet South of LCHMH Point #3
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	38.487057	-76.331779	(5) West side of Oyster Cove, Taylors Island
<i>Shellfish Harvest: See §F(2)(g) of this regulation</i>	38.421944	-76.288742	(6) Southern tip of Taylors Island
	38.421051	-76.288589	(7) Meekins Neck, across channel from Point #6
	38.398201	-76.237053	(8) W shore Great Marsh Cr. 1,800 feet above Rt. 335
	38.398605	-76.237030	(9) E shore Great Marsh Cr. 1,800 feet above Rt. 335
<i>(f) Honga River Mesohaline (HNGMH):</i>	38.231964	-76.134285	(1) Lower Hooper I. between Nancys and Creek Pts.
<i>Designated Uses Present in Segment:</i>	38.215809	-76.032349	(2) Bishops Head Pt.
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.398605	-76.237030	(3) Great Marsh Creek, north side, 1,900 feet above 335
<i>Application Depth: 2.0 meters</i>	38.398201	-76.237053	(4) Great Marsh Creek, south side, 1,900 feet above 335
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	38.349953	-76.227982	(5) Drawbridge, southern Meekins Neck
<i>Shellfish Harvest: See §F(2)(g) of this regulation</i>	38.348228	-76.227264	(6) Drawbridge, northern Upper Hooper Island
	38.298965	-76.206718	(7) Ferry Pt.
	38.295982	-76.204597	(8) NW tip of Middle Hooper I. across from Ferry Pt.
	38.248642	-76.154419	(9) Middle Hooper Island, NW end of The Thorofare
	38.248581	-76.153191	(10) Lower Hooper Island, NE end of The Thorofare
<i>(g) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:</i>			
<i>(i) Choptank River and tributaries</i>	38.673807	-75.952263	Upstream of line from Bow Knee Pt. to Wright Wharf
	38.670579	-75.945795	
<i>(ii) Tred Avon River and tributaries</i>	38.767879	-76.095174	Upstream of Easton Pt.
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

*G. Sub-Basin 02-13-05: Chester River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
(1) Class I-P: None.			
(2) Class II:			
<i>(a) Upper Chester River Tidal Fresh (CHSTF):</i>	39.246002	-75.986618	(1) Travilla Wharf
<i>Designated Uses Present in Segment:</i>	39.245350	-75.985878	(2) Marshy point across from Travilla Wharf
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.254440	-75.839638	(3) Andover Branch 900 feet above Rt. 313
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §G(2)(e) of this regulation</i>			

(b) Middle Chester River Oligohaline (CHSOH):	39.147564	-76.086426	(1) 1,100 feet below Browns Creek
Designated Uses Present in Segment:	39.146572	-76.075684	(2) Northwest Pt., west of Riverview
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.245350	-75.985878	(3) Marshy point across from Travilla Wharf
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	39.246002	-75.986618	(4) Travilla Wharf
Application Depth: 0.5 meters			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §G(2)(e) of this regulation			
(c) Lower Chester River Mesohaline (CHSMH):	39.029720	-76.242516	(1) Wickes Beach, Eastern Neck Island
Designated Uses Present in Segment:	39.016422	-76.296959	(2) Kent Island, 1,600 feet N of Grollman Rd.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.970539	-76.248413	(3) Rt. 50, west side of Kent Narrows
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.970455	-76.246330	(4) Rt. 50, east side of Kent Narrows
Application Depth: 1.0 meters	39.146572	-76.075684	(5) Northwest Pt., west of Riverview
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	39.147564	-76.086426	(6) 1,100 feet below Browns Creek
Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive	39.056882	-76.220903	(7) South end of Eastern Neck, east of Route 445 Bridge
Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive	39.054563	-76.220229	(8) Northern tip of Eastern Neck Island, east of Route 445 Bridge
Shellfish Harvest: See §G(2)(e) of this regulation			
(d) Eastern Bay Mesohaline (EASMH):	38.836365	-76.369392	(1) Kent Pt.
Designated Uses Present in Segment:	38.752529	-76.340332	(2) 1,500 feet NE of Green Marsh Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.970455	-76.246330	(3) Rt. 50, East side of Kent Narrows
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.970539	-76.248413	(4) Rt. 50, West side of Kent Narrows
Application Depth: 2.0 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive			
Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive			
Shellfish Harvest: See §G(2)(e) of this regulation			
(e) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:			
(i) Chester River and tributaries	39.207513	-76.059490	Upstream of Rt. 213
(ii) Corsica River	39.061396	-76.081813	Upstream of Earl Cove
	39.060344	-76.084071	
(iii) Piney Creek	38.972919	-76.258409	Upstream of Rt. 50
(iv) Winchester Creek	38.972570	-76.201708	Upstream of mouth
	38.973089	-76.203726	
(v) St. Michaels Harbor	38.789955	-76.217917	
	38.786738	-76.216319	
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

**PROPOSED ACTION ON REGULATIONS**

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*H. Sub-Basin 02-13-06: Elk River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
<i>(1) Class I-P:</i>			
<i>(a) Big Elk Creek and all tributaries</i>	39.605547	-75.831007	<i>Upstream of MD Route 213</i>
<i>(b) Northeast Creek and all tributaries</i>	39.594562	-75.947231	<i>Upstream of confluence with Stoney Run</i>
<i>(c) Mill Creek and all tributaries</i>	39.575652	-76.056760	<i>Upstream of U.S. Route 40</i>
<i>(2) Class II:</i>			
<i>(a) Northeast River Tidal Fresh (NORTF):</i>	39.540794	-76.002899	<i>(1) East side of Carpenter Pt.</i>
<i>Designated Uses Present in Segment:</i>	39.529629	-75.979271	<i>(2) Red Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.608879	-75.937988	<i>(3) 750 feet above RR bridge, 1,500 feet below Rt. 40</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters, NGZ present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>			
<i>(b) Chesapeake &amp; Delaware (C&amp;D) Canal Oligohaline (C&amp;DOH):</i>	39.525536	-75.874619	<i>(1) East side of Welch Pt.</i>
<i>Designated Uses Present in Segment:</i>	39.523182	-75.871521	<i>(2) West of where the road north from Randalia ends</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.534616	-75.779424	<i>(3) MD/DE State Line-southern shore</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	39.536623	-75.779582	<i>(4) MD/DE State Line-northern shore</i>
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>			
<i>(c) Bohemia River Oligohaline (BOHOH):</i>	39.486473	-75.923767	<i>(1) Town Pt.</i>
<i>Designated Uses Present in Segment:</i>	39.474773	-75.940498	<i>(2) East of Ford Landing on Veazey Neck</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.461319	-75.783554	<i>(3) 600 feet below where Sandy Branch enters</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>			
<i>(d) Elk River Oligohaline (ELKOH1):</i>	39.449200	-76.007698	<i>(1) Turkey Pt.</i>
<i>Designated Uses Present in Segment:</i>	39.429420	-75.997681	<i>(2) 1,300 feet SW of Wroth Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.474773	-75.940498	<i>(3) East of Ford Landing on Veazey Neck</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	39.486473	-75.923767	<i>(4) Town Pt.</i>
<i>Application Depth: 2.0 meters</i>	39.523182	-75.871521	<i>(5) West of where the road north from Randalia ends</i>
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	39.525536	-75.874619	<i>(6) East side of Welch Pt.</i>
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>	39.544392	-75.855301	<i>(7) Paddy Biddle Cove</i>
	39.545540	-75.876144	<i>(8) 0.6 miles south of Elkmore</i>
<i>(e) Elk River Oligohaline (ELKOH2):</i>	39.545540	-75.876144	<i>(1) 0.6 miles south of Elkmore</i>
<i>Designated Uses Present in Segment:</i>	39.544392	-75.855301	<i>(2) Paddy Biddle Cove</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.607624	-75.822853	<i>(3) Elkton-500 feet below Rt. 7</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			

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<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>			
<i>(f) Sassafras River Oligohaline (SASOH1):</i>	39.389511	-76.040848	(1) Grove Pt.
<i>Designated Uses Present in Segment:</i>	39.372025	-76.101227	(2) 2,850 feet east of Howells Pt.
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.371868	-75.955750	(3) 0.66 miles NW of Freeman Creek
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	39.378330	-75.961472	(4) Cassidy Wharf
<i>Application Depth: 2.0 meters, NGZ present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>			
<i>(g) Sassafras River Oligohaline (SASOH2):</i>	39.378330	-75.961472	(1) Cassidy Wharf
<i>Designated Uses Present in Segment:</i>	39.371868	-75.955750	(2) 0.66 miles NW of Freeman Creek
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.376785	-75.806549	(3) 350 feet upstream of Rt. 301
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §H(2)(h) of this regulation</i>			
<i>(h) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:</i>			
<i>(i) Elk River and tributaries</i>	39.513611	-75.884711	Upstream of line from Bull Minnow Pt. to Courthouse Pt.
	39.522583	-75.891449	
<i>(ii) Bohemia River and tributaries</i>	39.485853	-75.908481	Upstream of line from Rich Pt. to Battery Pt.
	39.475916	-75.905035	
<i>(iii) Sassafras River and tributaries</i>	39.370325	-75.978743	Upstream of Ordinary Pt.
	39.363975	-75.975207	
<i>(iv) Stillpond Creek and tributaries (Still Pond)</i>	39.332707	-76.135330	Upstream of Kinnaird Pt.
	39.333612	-76.132329	
<i>(v) Worton Creek</i>	39.291457	-76.181995	Upstream of mouth
	39.299038	-76.178130	
<i>(vi) Fairlee Creek</i>	39.269552	-76.210087	Upstream of mouth
	39.279774	-76.200203	
<i>(vii) Northeast River</i>	39.541074	-76.003000	Upstream of mouth
	39.529124	-75.980445	
<i>(3) Class III: Principio Creek and all tributaries</i>	39.572032	-76.031084	
<i>(4) Class III-P: None.</i>			
<i>(5) Class IV: None.</i>			
<i>(6) Class IV-P: None.</i>			

*I. Sub-Basin 02-13-07: Bush River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
<i>(1) Class I-P: Winters Run and all tributaries, including Atkisson Reservoir</i>	39.439084	-76.307513	<i>From Otter Point Creek to upstream boundary of Atkisson Reservoir</i>
<i>(2) Class II:</i>			
<i>(a) Bush River Oligohaline (BSHOH):</i>	39.339172	-76.256592	(1) 800 feet upriver of Lego Pt.
<i>Designated Uses Present in Segment:</i>	39.351715	-76.232986	(2) Mouth of Abbey Creek
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.482510	-76.215805	(3) Church Creek, at the railroad tracks

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<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §I(2)(b) of this regulation</i>			
<i>(b) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:</i>			
<i>(i) Bush River and tributaries</i>	39.412511	-76.254673	<i>Upstream of line from Fairview Pt. to Chillbury Pt.</i>
	39.407534	-76.242382	
<i>(ii) Romney Creek</i>	39.389322	-76.208158	<i>Upstream of Briar Pt.</i>
	39.388825	-76.212396	
<i>(iii) Swan Creek and tributaries</i>	39.486879	-76.114054	<i>Upstream of line from Swan Creek Point and Plumb Point</i>
	39.489244	-76.122327	
<i>(3) Class III: Bynum Run and all tributaries</i>	39.471465	-76.259730	
<i>(4) Class III-P: None.</i>			
<i>(5) Class IV: None.</i>			
<i>(6) Class IV-P: Winters Run and all tributaries</i>	39.484346	-76.343776	<i>Upstream of Atkisson Reservoir</i>

*J. Sub-Basin 02-13-08: Gunpowder River Area.*

<i>Class: Waters</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
<i>(1) Class I-P: Loch Raven Reservoir.</i>	39.430805	-76.543833	<i>Upstream of Loch Raven Dam</i>
<i>(2) Class II:</i>			
<i>(a) Gunpowder River Oligohaline (GUNOH2):</i>	39.358330	-76.345024	<i>(1) Cunninghamhill Cove, mouth of unnamed creek</i>
<i>Designated Uses Present in Segment:</i>	39.356564	-76.322929	<i>(2) Maxwell Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.412685	-76.400780	<i>(3) Gunpowder Falls, 1,500 feet below Rt. 7</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §J(2)(d) of this regulation</i>			
<i>(b) Mouth of Gunpowder River Oligohaline (GUNOH1):</i>	39.316414	-76.331039	<i>(1) 170 feet S of east side of bridge to Carroll Island</i>
<i>Designated Uses Present in Segment:</i>	39.312862	-76.321449	<i>(2) Carroll Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.312767	-76.321190	<i>(3) Carroll Pt.</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	39.303204	-76.296249	<i>(4) Rickett Pt. at end of Ricketts Pt. Rd.</i>
<i>Application Depth: 2.0 meters</i>	39.356564	-76.322929	<i>(5) Maxwell Pt.</i>
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	39.358330	-76.345024	<i>(6) Cunninghamhill Cove, mouth of unnamed creek</i>
<i>Shellfish Harvest: See §J(2)(d) of this regulation</i>	39.326569	-76.361801	<i>(7) 170 feet South of West side of bridge to Carroll Island</i>
	39.326477	-76.361130	<i>(8) 170 feet S of east side of bridge to Carroll Island</i>
<i>(c) Middle River Oligohaline (MIDOH):</i>	39.286442	-76.384102	<i>(1) North shore of Holly Beach</i>
<i>Designated Uses Present in Segment:</i>	39.309422	-76.342964	<i>(2) Carroll Island, between Weir Pt. and Hawthorn Cove</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	39.326477	-76.361130	<i>(3) 170 feet S of east side of bridge to Carroll Island</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	39.326569	-76.361801	<i>(4) 170 feet South of west side of bridge to Carroll Island</i>
<i>Application Depth: 2.0 meters</i>	39.329792	-76.446922	<i>(5) 150 feet downstream of RR tracks, above Eastern Blvd</i>
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §J(2)(d) of this regulation</i>			

<i>(d) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:</i>			
<i>(i) Gunpowder River and all tributaries</i>	<i>39.373213</i>	<i>-76.338011</i>	<i>Upstream of line from Oliver Pt. to Maxwell Pt.</i>
	<i>39.357091</i>	<i>-76.322603</i>	
<i>(ii) Middle River</i>	<i>39.303819</i>	<i>-76.394089</i>	<i>Upstream of line from Log Pt. to Turkey Pt.</i>
	<i>39.294278</i>	<i>-76.398539</i>	
<i>(3) Class III:</i>			
<i>(a) Little Gunpowder Falls and all tributaries</i>	<i>39.421494</i>	<i>-76.373807</i>	<i>Above B&amp;O railroad bridge 3/4 mile south of Rt. 7 (Old Philadelphia Road)</i>
<i>(b) Long Green Run and all tributaries</i>	<i>39.436259</i>	<i>-76.463872</i>	
<i>(c) Sweathouse Branch and all tributaries</i>	<i>39.435819</i>	<i>-76.461519</i>	
<i>(d) Cowen Run and all tributaries</i>	<i>39.430809</i>	<i>-76.522574</i>	
<i>(4) Class III-P: Gunpowder Falls and all tributaries upstream from Loch Raven Reservoir</i>			
<i>(5) Class IV:</i>			
<i>(a) Whitemarsh Run and all tributaries</i>	<i>39.381461</i>	<i>-76.419291</i>	
<i>(b) Big Gunpowder Falls</i>	<i>39.425580</i>	<i>-76.529257</i>	<i>U.S. Route 95 upstream to Cromwell Bridge Road mainstem only</i>
	<i>39.415885</i>	<i>-76.409348</i>	
<i>(6) Class IV-P: None.</i>			

*K. Sub-Basin 02-13-09: Patapsco River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
<i>(1) Class I-P:</i>			
<i>(a) Liberty Reservoir</i>	<i>39.376821</i>	<i>-76.890395</i>	<i>Upstream of Liberty Dam</i>
<i>(b) All tributaries to West Branch Patapsco River except those designated below as Class IV-P</i>			
<i>(c) All tributaries to Liberty Reservoir except those designated below as Class III-P or Class IV-P</i>			<i>Upstream of Liberty Reservoir</i>
<i>(2) Class II: Tidal Waters:</i>			
<i>(a) Back River Oligohaline (BACOH):</i>	<i>39.231178</i>	<i>-76.408920</i>	<i>(1) Swan Pt., in line with 11th St.</i>
<i>Designated Uses Present in Segment:</i>	<i>39.248951</i>	<i>-76.410530</i>	<i>(2) Rocky Pt. Park, between Claybank and Cedar Pts.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	<i>39.307873</i>	<i>-76.520416</i>	<i>(3) Moores Run, 1.25 miles above I-695</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: None</i>			
<i>(b) Patapsco River Mesohaline (PATMH):</i>	<i>39.131855</i>	<i>-76.435081</i>	<i>(1) Bodkin Neck between Cedar and Bodkin Pts.</i>
<i>Designated Uses Present in Segment:</i>	<i>39.195377</i>	<i>-76.444511</i>	<i>(2) North Pt. south of Fort Howard</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	<i>39.275375</i>	<i>-76.654480</i>	<i>(3) Gwynns Falls, upstream end of Carroll Park</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 1.0 meters, NGZ present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>			
<i>Shellfish Harvest: See §K(2)(c) of this regulation</i>			
<i>Seasonal Deep Channel Refuge. Lower pycnocline boundary to bottom from June 1 to September 30, inclusive</i>	<i>39.183780</i>	<i>-76.403830</i>	<i>(4) Patapsco River mainstem: Brewerton Channel, eastern extension at line connecting North Pt. and Bodkin Pt.</i>
	<i>39.219900</i>	<i>-76.525780</i>	<i>(5) Patapsco River mainstem: Brewerton Channel at Key Bridge (I-695)</i>

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	39.219900	-76.525780	(6) Patapsco River mainstem: Fort McHenry Channel, at Key Bridge (I-695)
	39.261940	-76.574550	(7) Patapsco River mainstem: Fort McHenry Channel at Rt. 895 Tunnel
	39.224300	-76.529080	(8) Curtis Bay Channel at intersection with Fort McHenry Channel
	39.222190	-76.575130	(9) Curtis Bay Channel at intersection with Curtis Creek
	39.187780	-76.577670	(10) Curtis Bay Channel at channel terminus
	39.254170	-76.571760	(11) Middle Branch: Ferry Bar Channel at intersection with Fort McHenry Channel
	39.253060	-76.607630	(12) Middle Branch: Ferry Bar Channel, western terminus anchorages
	39.261940	-76.574550	(13) Northwest Branch: East Channel at intersection with Fort McHenry Channel
	39.275080	-76.576210	(14) Northwest Branch: East Channel at northern terminus
	39.271330	-76.575890	(15) Northwest Branch: Intersection of East and West Channels
	39.277310	-76.599340	(16) Northwest Branch: West Channel at northern terminus
<i>Note: Authorized federal and non-federal anchorages associated with the Brewerton, Fort McHenry, Curtis Bay, Ferry Bar, East, and West Channels shall be considered part of the navigation channel system for the purposes of application of designated uses and criteria pursuant to COMAR 26.08.02.02C(1)(f)(i)-(ii) and COMAR 26.08.02.03-3C(9)(e)(I).</i>			
(c) Shellfish Harvest Subcategory: Estuarine portions of Patapsco River mainstem except the Patapsco River and all tributaries upstream of line from Rock Pt. to North Pt.	39.164879	-76.476476	
	39.195821	-76.444927	
<b>(3) Class III:</b>			
(a) Brice Run and all tributaries	39.319009	-76.822519	
(b) Piney Run and all tributaries	39.352413	-76.895710	From mouth upstream to Slacks Road (on Springfield State Hospital grounds)
	39.380859	-76.944293	
(c) Jones Falls and all tributaries	39.391029	-76.654062	Upstream of Lake Roland
(d) Red Run and all tributaries	39.404790	-76.776654	
(e) Gwynns Falls and all tributaries	39.420864	-76.781840	Upstream of Reisterstown Road
(f) Gillis Falls and all tributaries	39.362346	-77.065255	
(g) South Branch Patapsco and all tributaries	39.362284	-77.065456	Upstream of confluence with Gillis Falls tributaries
(h) Unnamed tributary to the South Branch Patapsco River at Henryton and all tributaries to this unnamed tributary	39.350795	-76.915771	
(i) Roaring Run (Carroll County) and all tributaries	39.510061	-76.887278	Upstream from mouth
(j) Unnamed tributary to the South Branch Patapsco River at Marriottsville and all tributaries to this unnamed tributary	39.351956	-76.898985	
(k) Piney Branch and all tributaries	39.357049	-76.996543	
<b>(4) Class III-P:</b>			
(a) Piney Run and all tributaries	39.380859	-76.944293	Upstream of Slacks Road (on Springfield State Hospital grounds)
(b) Morgan Run and all tributaries	39.450451	-76.948306	
(c) Norris Run and all tributaries	39.459228	-76.876215	
(d) Cooks Branch and all tributaries	39.438203	-76.872783	
(e) Keyzers Run and all tributaries	39.471594	-76.879122	
(f) Beaver Run and all tributaries	39.484356	-76.898037	
(g) Snowdens Run and all tributaries	39.403823	-76.911979	
(h) Stillwater Creek and all tributaries	39.400553	-76.911755	

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(i) Carroll Highlands Run and all tributaries	39.390605	-76.910086	
(j) Autumn Run and all tributaries	39.389618	-76.909671	
(k) Locust Run and all tributaries	39.404995	-76.862578	
(l) Glen Falls Run and all tributaries	39.494078	-76.867964	
(m) East Branch Patapsco River and all tributaries	39.537358	-76.893171	
(n) Little Morgan Run and all tributaries	39.436989	-76.987892	Upstream from confluence with unnamed tributary near Klees Mill Road
(5) Class IV:			
(a) South Branch Patapsco River	39.350065	-76.882132	Mainstem only
(b) Jones Falls	39.311006	-76.620399	Mainstem only. From North Ave. upstream to Lake Roland Dam
	39.378602	-76.643583	
(c) Herring Run and all tributaries	39.302647	-76.531400	Upstream of Route I-95
(d) Stony Run and all tributaries	39.316898	-76.626541	
(e) Dead Run and all tributaries	39.305360	-76.686387	
(f) Stemmers Run and all tributaries	39.352105	-76.499513	Upstream of Route I-95
(g) Patapsco River	39.221606	-76.713289	Mainstem only. B&O (Thomas) viaduct upstream to confluence of North Branch Patapsco and South Branch Patapsco.
	39.349903	-76.882211	
(h) Gwynns Falls	39.420854	-76.781846	Balt. City/County line upstream to Route 140 (Reisterstown Road)
	39.319253	-76.711336	
(6) Class IV-P:			
(a) North Branch Patapsco River	39.493185	-76.872810	Mainstem only upstream of Liberty Reservoir
(b) West Branch Patapsco River	39.537319	-76.893451	Mainstem only
(c) Cranberry Branch and all tributaries	39.583162	-76.970392	Upstream of MD Route 852 (Old Manchester Road)

*L. Sub-Basin 02-13-10: West Chesapeake Bay Area.*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: None.			
(2) Class II:			
(a) Magothy River Mesohaline (MAGMH):	39.039185	-76.414330	(1) Between Beacon Hill and Tydings on the Bay
Designated Use Present in Segment:	39.074715	-76.422539	(2) East side Gibson I. across from Hapenny Way
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.114807	-76.548195	(3) End of estuary below Catherine Ave.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 1.0 meters, NGZ present			
Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §L(2)(f) of this regulation			
(b) Severn River Mesohaline (SEVMH):	38.946095	-76.455879	(1) Bay Ridge, near Bainbridge Ave
Designated Use Present in Segment:	38.976032	-76.452377	(2) Greenbury Pt., 800 feet up east side from the tip
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.079697	-76.623398	(3) Severn Run, 1,100 feet downstream of Veterans Hwy.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 1.0 meters			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			

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<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>			
<i>Shellfish Harvest: See §L(2)(f) of this regulation</i>			
<i>(c) South River Mesohaline (SOUTH):</i>	38.888672	-76.489876	<i>(1) Saunders Pt., south of Mayo Beach Park</i>
<i>Designated Use Present in Segment:</i>	38.886829	-76.475616	<i>(2) 0.8 miles east of Saunders Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.907860	-76.466240	<i>(3) Southern shore of Thomas Pt. Park</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.983105	-76.606232	<i>(4) 700 feet upstream of Rt. 50</i>
<i>Application Depth: 1.0 meters, NGZ present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>			
<i>Shellfish Harvest: See §L(2)(f) of this regulation</i>			
<i>(d) Rhode River Mesohaline (RHDMH):</i>	38.867775	-76.519608	<i>(1) Salt Pond at the mouth of the Rhode River</i>
<i>Designated Use Present in Segment:</i>	38.864788	-76.485870	<i>(2) 1.2 miles ESE of Dutchman Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.886829	-76.475616	<i>(3) 0.8 miles east of Saunders Pt.</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.888672	-76.489876	<i>(4) Saunders Pt., south of Mayo Beach Park</i>
<i>Application Depth: 0.5 meters, NGZ present</i>	38.883629	-76.554649	<i>(5) Muddy Creek, 1,200 feet below N and S Forks converge</i>
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §L(2)(f) of this regulation</i>			
<i>(e) West River Mesohaline (WSTMH):</i>	38.848892	-76.493805	<i>(1) Felicity Cove, 250 feet north of Bay Rd.</i>
<i>Designated Use Present in Segment:</i>	38.864788	-76.485870	<i>(2) 1.2 miles ESE of Dutchman Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.867775	-76.519608	<i>(3) Salt Pond at the mouth of the Rhode River</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.822258	-76.551514	<i>(4) 2,400 feet downstream of Shady Side Rd.</i>
<i>Application Depth: 0.5 meters, NGZ present</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §L(2)(f) of this regulation</i>			
<i>(f) Shellfish Harvest Subcategory. All estuarine portions of tributaries except:</i>			
<i>(i) Magothy River and tributaries</i>	39.08422836	-76.51089143	<i>Upstream of Henderson Pt.</i>
	39.0817026	-76.51760596	
<i>(ii) Severn River and tributaries</i>	39.070697	-76.575016	<i>Upstream of mouth of Forked Creek</i>
	39.068054	-76.575866	
<i>(iii) South River and tributaries</i>	38.958948	-76.577045	<i>Upstream of Porter Pt.</i>
	38.958226	-76.582411	
<i>(iv) Rockhold Creek and tributaries</i>	38.782503	-76.559107	<i>Upstream of Mason Beach Road</i>
<i>(v) Tracys Creek</i>	38.778011	-76.563274	<i>Upstream of Rt. 256</i>
<i>(3) Class III: Jabez Branch and all tributaries</i>	39.082056	-76.629864	
<i>(4) Class III-P: None.</i>			
<i>(5) Class IV: Severn Run and all tributaries</i>	39.080917	-76.626467	<i>Upstream of Rt. 3</i>
<i>(6) Class IV-P: None.</i>			

*M. Sub-Basin 02-13-11: Patuxent River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
<i>(1) Class I-P:</i>			
<i>(a) Little Patuxent River and all tributaries</i>	39.079294	-76.765442	<i>Upstream of Old Forge Bridge (1 mile south of MD Route 198)</i>

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<i>(b) Patuxent River and all tributaries except those designated below as Class III-P or Class IV-P</i>	39.117030	-76.875187	Upstream of Rocky Gorge Dam
<b>(2) Class II:</b>			
<i>(a) Upper Patuxent River Tidal Fresh (PAXTF):</i>	38.700325	-76.695824	<i>(1) On Marshy Point 0.5 miles N of Hotschkins Branch</i>
<i>Designated Uses Present in Segment:</i>	38.700516	-76.694160	<i>(2) 0.8 miles north of Jones Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.874958	-76.677834	<i>(3) Near unnamed stream south of Mt. Nebo Branch</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.785023	-76.712456	<i>(4) Mouth of Western Branch, east side</i>
<i>Application Depth: 0.5 meters</i>	38.784637	-76.713326	<i>(5) Mouth of Western Branch, west side</i>
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §M(2)(j) of this regulation</i>			
<i>(b) Western Branch Patuxent River Tidal Fresh (WBRTF):</i>	38.784637	-76.713326	<i>(1) Mouth of Western Branch, west side</i>
<i>Designated Uses Present in Segment:</i>	38.785023	-76.712456	<i>(2) Mouth of Western Branch, east side</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.797241	-76.729507	<i>(3) Where West. Branch narrows, N of sewage plant</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>			
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §M(2)(j) of this regulation</i>			
<i>(c) Middle Patuxent River Oligohaline (PAXOH):</i>	38.542320	-76.678818	<i>(1) Chalk Pt., eastern side</i>
<i>Designated Uses Present in Segment:</i>	38.540684	-76.668045	<i>(2) Gods Grace Pt. near end of Leitchs Wharf Rd.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.700516	-76.694160	<i>(3) 0.8 miles north of Jones Pt.</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.700325	-76.695824	<i>(4) On marshy point 0.5 miles N of Hotschkins Branch</i>
<i>Application Depth: 0.5 meters</i>			
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>			
<i>Shellfish Harvest: See §M(2)(j) of this regulation</i>			
<i>(d) Lower Patuxent River Mesohaline 1 (PAXMH1):</i>	38.304638	-76.421448	<i>(1) Fishing Pt.</i>
<i>Designated Uses Present in Segment:</i>	38.319176	-76.420990	<i>(2) Drum Pt.</i>
<i>Migratory Spawning and Nursery Use: February 1 to May 31, inclusive</i>	38.322941	-76.451630	<i>(3) Point of land S of Ship Pt. and E of Ma Leg I.</i>
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.321041	-76.451965	<i>(4) Eastern tip of Solomons</i>
<i>Application Depth: 2.0 meters</i>	38.386593	-76.498840	<i>(5) Mouth of St. Leonard Creek, east side</i>
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	38.389153	-76.506416	<i>(6) Petersons Pt.</i>
<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>	38.412220	-76.542747	<i>(7) Island Creek mouth, east Side</i>
<i>Shellfish Harvest: See §M(2)(j) of this regulation</i>	38.411896	-76.544487	<i>(8) Island Creek mouth, Broomes Island Side</i>
	38.481140	-76.647560	<i>(9) 0.64 miles south of the Sandy Pt. near Buzzard I.</i>
	38.475594	-76.662788	<i>(10) Trent Hall Pt.</i>
	38.342590	-76.500587	<i>(11) Mouth of Cuckold Creek, north side</i>
	38.339634	-76.499550	<i>(12) Mouth of Cuckold Creek, south side</i>
<i>(e) Lower Patuxent River Mesohaline 2 (PAXMH2):</i>	38.475594	-76.662788	<i>(1) Trent Hall Pt.</i>
<i>Refer to designated uses applicable to Lower Patuxent River Mesohaline 1 (PAXMH1)</i>	38.481140	-76.647560	<i>(2) 0.64 miles south of the Sandy Pt. near Buzzard I.</i>

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Shallow Water Application Depth: 0.5 meters	38.540684	-76.668045	(3) Gods Grace Pt. near end of Leitchs Wharf Rd.
	38.542320	-76.678818	(4) Chalk Pt., eastern side
(f) Lower Patuxent River Mesohaline 3 (PAXMH3):	38.321041	-76.451965	(1) Eastern tip of Solomons
Refer to designated uses applicable to Lower Patuxent River Mesohaline 1 (PAXMH1)	38.322941	-76.451630	(2) Point of land S of Ship Pt. and E of Ma Leg I.
Shallow Water Application Depth: 0.5 meters			
(g) Lower Patuxent River Mesohaline 4 (PAXMH4):	38.339634	-76.499550	(1) Mouth of Cuckold Creek, south side
Refer to designated uses applicable to Lower Patuxent River Mesohaline 1 (PAXMH1)	38.342590	-76.500587	(2) Mouth of Cuckold Creek, north side
Shallow Water Application Depth: 0.5 meters			
(h) Lower Patuxent River Mesohaline 5 (PAXMH5):	38.389153	-76.506416	(1) Petersons Pt.
Refer to designated uses applicable to Lower Patuxent River Mesohaline 1 (PAXMH1)	38.386593	-76.498840	(2) Mouth of St. Leonard Creek, east side
Shallow Water Application Depth: 0.5 meters	38.446831	-76.492088	(3) 0.25 miles downstream of Parran Road
(i) Lower Patuxent River Mesohaline 6 (PAXMH6):	38.411896	-76.544487	(1) Island Creek mouth, Broomes Island Side
Refer to designated uses applicable to Lower Patuxent River Mesohaline 1 (PAXMH1)	38.412220	-76.542747	(2) Island Creek mouth, east Side
Shallow Water Application Depth: 0.5 meters	38.433407	-76.540894	(3) 0.7 miles N of point where Marshall Rd. ends
(j) Shellfish Harvest Subcategory. All estuarine portions of tributaries except Patuxent River and tributaries	38.701927	-76.693783	Upstream of Ferry Landing
	38.701509	-76.696046	
(3) Class III: None			
(4) Class III-P: Patuxent River and tributaries Upstream of Triadelphia Reservoir	39.237603	-77.045141	
(5) Class IV: None.			
(6) Class IV-P:			
(a) Patuxent River and tributaries	39.149845	-76.975630	Between Rocky Gorge Reservoir and Triadelphia Reservoir, and including Triadelphia Reservoir
(b) Little Patuxent and Middle Patuxent and all tributaries	39.134120	-76.816032	Little Patuxent and all tributaries upstream of U.S. Route 1 (Washington Boulevard)

*N. Sub-Basin 02-14-01: Lower Potomac River Area.*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: Tilghman Lake Reservoir	38.545648	-76.941000	
(2) Class II:			
(a) Lower Potomac River Tidal Fresh (POTTF):	38.524168	-77.284804	(1) MLW midway between Shipping Pt. and Quantico Pier
Designated Uses Present in Segment:	38.523266	-77.256630	(2) 1,000 feet SW of Moss Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.554722	-77.220268	(3) Stump Neck, E of radio towers & W of Roach Rd.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.566856	-77.209755	(4) Cornwallis Neck, 0.25 miles NW of Deep Pt.
Application Depth: 2.0 meters, NGZ present	38.702038	-77.044693	(5) Mockley Pt., 500 feet west of tip
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.711002	-77.036736	(6) West of Fort Washington
Shellfish Harvest: See §N(2)(h) of this regulation	38.809449	-77.016184	(7) DC/MD State Line-northern shore of Oxon Creek
	38.805753	-77.020951	(8) DC/MD State Line-southern shore of Oxon Creek
	38.802464	-77.025166	(9) DC/MD State Line-near Fox Ferry Pt.
	38.791836	-77.038923	(10) DC/MD/VA State line, 200' east of Jones Point Park
	38.711002	-77.036736	(11) West of Ft. Washington
	38.702038	-77.044693	(12) Mockley Pt., 500 west of tip

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	38.566856	-77.209755	(13) Cornwallis Neck, 0.25 miles NW of Deep Pt.
	38.554722	-77.220268	(14) Stump Neck, E of radio towers and W of Roach Rd.
<i>Following the mean low water (MLW) line which defines the Maryland/Virginia State boundary to the first point described above, except for the following Virginia embayments where the boundary is the confluence of the mouth of the embayment with the Potomac River; Hunting Creek, Little Hunting Creek, Dogue Creek, Gunston Cove, the unnamed embayment in Mason Neck NWR, Occoquan Bay, Powells Creek, and Quantico Creek.</i>			
(b) Lower Potomac River Oligohaline 1 (POTOH1):	38.389680	-77.029268	(1) MLW 1 mile SE of Mathias Pt., just north of 639
Designated Uses Present in Segment:	38.407509	-76.997322	(2) 0.65 miles NW of the town of Popes Creek
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.444935	-77.016396	(3) 1.5 miles SE of Chapel Pt., due E of Windmill Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.444565	-77.040695	(4) Windmill Pt.
Application Depth: 2.0 meters, NGZ present	38.408894	-77.110886	(5) Blossom Pt.
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.408745	-77.124855	(6) 0.15 miles SW of Benny Gray Pt.
Shellfish Harvest: See §N(2)(h) of this regulation	38.523266	-77.256630	(7) 1,000 feet SW of Moss Pt.
	38.524168	-77.284864	(8) MLW midway between Shipping Pt. and Quantico Pier
<i>Following the Mean Low Water (MLW) line which defines the Maryland/Virginia State boundary to the first point described above, except for the following Virginia embayments where the boundary is the confluence of the mouth of the embayment with the Potomac River; Unnamed embayment (Chopawamsic Island), Unnamed embayment (near Arkendale Road), Aquia Creek, and Potomac Creek.</i>			
(c) Lower Potomac River Oligohaline 2 (POTOH2): Port Tobacco River	38.444565	-77.040695	(1) Windmill Pt.
Designated Uses Present in Segment:	38.444935	-77.016396	(2) 1.5 miles SE of Chapel Pt., due E of Windmill Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.500164	-77.026306	(3) Port Tobacco Marina (edge of 7.5 foot quad sheet)
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 1.0 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §N(2)(h) of this regulation			
(d) Lower Potomac River Oligohaline 3 (POTOH3): Nanjemoy Creek	38.408745	-77.124855	(1) 0.15 miles SW of Benny Gray Pt.
Designated Uses Present in Segment:	38.408894	-77.110886	(2) Blossom Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.475391	-77.130676	(3) Wards Run, 0.25 miles upstream of Hill Top Fork
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 1.0 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See §N(2)(h) of this regulation			
(e) Lower Potomac River Mesohaline (POTMH):	37.909777	-76.263700	(1) MLW East of Ophelia, 300 feet NW of light
Designated Uses Present in Segment:	38.038605	-76.321442	(2) Point Lookout
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.407509	-76.997322	(3) 0.65 miles NW of the town of Popes Creek
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.389680	-77.029268	(4) MLW 1 mile SE of Mathias Pt., just north of 639
Application Depth: meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive			

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Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive			
Shellfish Harvest: See §N(2)(h) of this regulation			
Following the mean low water (MLW) line which defines the Maryland/Virginia State boundary to the first point described above, except for the following Virginia embayments where the boundary is the confluence of the mouth of the embayment with the Potomac River: Upper Machodoc Creek, Rosier Creek, Monroe Bay, Mattox Creek, Popes Creek, Nomini Bay, Lower Machodoc Creek, unnamed embayment (south of Ragged Pt.), Gardner Creek, Jackson Creek, Bonum Creek, Yeocomico River, Coan River, Presley Creek, Hull Creek, and Hock Creek.			
(f) Piscataway Creek Tidal Fresh (PISTF):	38.711002	-77.036736	(1) West of Ft. Washington
Designated Uses Present in Segment:	38.702038	-77.044693	(2) Mockley Point, 500 feet west of tip
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.697979	-76.996788	(3) Piscataway Creek Park, north of sewage disposal plant
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive.			
Application depth: 2.0 meters, NGZ Absent			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive.			
Shellfish Harvest: See §N(2)(h) of this regulation			
(g) Mattawoman Creek Tidal Fresh (MATTF):	38.566856	-77.209755	(1) Cornwallis Neck, 0.25 miles northwest of Deep Point
Designated Uses Present in Segment:	38.554722	-77.220268	(2) Stump Neck, east of radio towers and west of Roach Road
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.591194	-77.124672	(3) 2300 feet downstream of Routes 224/225
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive.			
Application depth: 1.0 meters, NGZ Absent			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive.			
Shellfish Harvest: See §N(2)(h) of this regulation			
(h) Shellfish Harvest Subcategory. All estuarine portions of tributaries except Potomac River and tributaries	38.415027	-77.265037	Above line from Smith Pt. to Simms Pt.
	38.397067	-77.311346	
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

*O. Sub-Basin 02-14-02: Washington Metropolitan Area.*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: Potomac River and all tributaries except those designated below as Class III, Class III-P, Class IV, or Class IV-P	38.934494	-77.119225	From MD/DC line to Frederick/Montgomery County line
(2) Class II:			
Anacostia River Tidal Fresh (ANATF):	38.938805	-76.942162	(1) DC/MD State Line-eastern side of Rt. 50 bridge
Designated Uses Present in Segment:	38.918850	-76.941951	(2) 100 feet below Bladensburg Road bridge
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.918261	-76.941198	(3) DC/MD State Line-western shore
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 0.5 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
(3) Class III:			
(a) Paint Branch and all tributaries	39.022995	-76.945898	Upstream of Capital Beltway (I-495)
(b) Rock Creek and all tributaries	39.137413	-77.128942	Upstream of Muncaster Mill Road

(c) North Branch Rock Creek and all tributaries	39.117721	-77.101155	Upstream of Muncaster Mill Road
(4) Class III-P:			
(a) Little Seneca Creek and all tributaries	39.143846	-77.337504	From the stream's confluence with Bucklodge Branch to the Baltimore and Ohio railroad bridge (see Regulation .03-3E(1) of this chapter)
	39.182396	-77.296787	
(b) Wildcat Branch and all tributaries	39.216251	-77.210016	
(c) Unnamed Tributary to the C & O Canal	39.059602	-77.308583	750 yards east of Blockhouse Point in Blockhouse Point Park
(d) Unnamed Tributary to Muddy Branch	39.065834	-77.297595	North of River Road in Blockhouse Point Park
(5) Class IV:			
(a) Rock Creek and all tributaries	39.094296	-77.117781	From Rt. 28 to Muncaster Mill Road
	39.137409	-77.128938	
(b) Northwest Branch Anacostia River and all tributaries	38.967802	-76.968627	Upstream of East-West Highway (Rt. 410)
(6) Class IV-P:			
(a) Little Seneca Creek and all tributaries	39.198890	-77.284809	Upstream of Little Seneca Lake
(b) Great Seneca Creek	39.166086	-77.228309	Mainstem, Route 28 upstream to Route 355
	39.128749	-77.335885	

*P. Sub-Basin 02-14-03: Middle Potomac River Area.*

<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
(1) Class I-P: Potomac River and all tributaries except those designated below as Class III-P or Class IV-P	39.221736	-77.456451	From Frederick/Montgomery County line to confluence with Shenandoah River
(2) Class II: None.			
(3) Class III: None.			
(4) Class III-P:			
(a) Tuscarora Creek and all tributaries	39.458359	-77.375099	
(b) Carroll Creek and all tributaries	39.423513	-77.429438	Upstream of U.S. Route 15
(c) Rocky Fountain Run and all tributaries	39.332070	-77.422527	
(d) Fishing Creek and all tributaries	39.505696	-77.391445	
(e) Hunting Creek and all tributaries	39.550482	-77.358179	
(f) Owens Creek and all tributaries	39.579028	-77.332576	
(g) Friends Creek and all tributaries	39.719868	-77.389272	
(h) Catoctin Creek and all tributaries	39.450300	-77.562603	Upstream of Alternate U.S. Route 40
(i) Little Bennett Creek and all tributaries	39.279411	-77.314709	Upstream of MD Rt. 355
(j) Furnace Branch and all tributaries	39.243999	-77.439955	
(k) Ballenger Creek and all tributaries	39.362694	-77.410124	
(l) Bear Branch and all tributaries	39.292638	-77.405135	From confluence with Bennett Creek upstream
(m) Middle Creek and all tributaries	39.448829	-77.603343	Upstream of the confluence with an unnamed trib south of Geaslin Drive
(n) Unnamed tributary to Talbot Branch and all tributaries to this unnamed tributary	39.455887	-77.160651	Stream flows in southerly direction. Mouth of stream joins Talbot Branch near intersection of Black Ankle Road and Talbot Run Road
(o) Unnamed tributary to Talbot Branch and all tributaries to this unnamed tributary	39.454004	-77.154174	Stream flows in northwesterly direction. Mouth of stream joins Talbot Branch 500 meters east of the intersection of Black Ankle Road and Talbot Run Road
(p) Unnamed tributary to Big Pipe Creek and all tributaries	39.675821	-76.941553	Upstream from confluence with another unnamed tributary just south of Wine Road
(q) Bennett Creek and all tributaries	39.310961	-77.231394	From a point, 700 yards to the east of the intersection of Moxley and Clarksburg Road, upstream
(r) Unnamed tributary to Bennett Creek	39.303758	-77.286898	Near intersection of Prices Distillery Road and Haines Road

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(5) Class IV: None.			
(6) Class IV-P:			
(a) Monocacy River and tributaries except those designated above as Class III-P	39.398435	-77.366868	Upstream of U.S. Rt. 40
(b) Catoctin Creek	39.309777	-77.567051	Mainstem only, from mouth upstream to Alternate U.S. Rt. 40
	39.450300	-77.562603	
(c) Israel Creek and all tributaries	39.327756	-77.682559	
<i>Q. Sub-Basin 02-14-05: Upper Potomac River Area.</i>			
<i>Designated Use Class and Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Limits</i>
(1) Class I-P: Potomac River and all Maryland tributaries except those designated below as Class III-P or Class IV-P	39.323294	-77.726927	From the confluence of Shenandoah River to the confluence of the North and South Branches of the Potomac River
(2) Class II: None.			
(3) Class III: None.			
(4) Class III-P:			
(a) All tributaries to Town Creek	39.522699	-78.543322	
(b) Beaver Creek and all tributaries	39.534756	-77.709125	In Antietam Creek Watershed
(c) Marsh Run and all tributaries	39.649666	-77.688571	In Antietam Creek Watershed
(d) Little Antietam Creek and all tributaries	39.682366	-77.634870	
(e) Camp Spring Run and all tributaries	39.620790	-77.938279	
(f) Lanes Run and all tributaries	39.666906	-77.994074	
(g) White Sulfur Run and all tributaries	39.660897	-78.458186	
(h) Fifteenmile Creek and all tributaries	39.682419	-78.457543	Upstream of the intersection of Fifteenmile Creek Road and Route 40
(i) Terrapin Run and all tributaries	39.668854	-78.433389	Upstream from Route 68
(j) Spring Lick and all tributaries	39.656160	-78.396852	
(k) Big Run and all tributaries	39.524737	-78.533497	In Allegany County
(l) Unnamed tributary to the Potomac River that flows through Twigg Hollow and all tributaries to this unnamed tributary	39.579220	-78.460902	Upstream of terminus of Outdoor Club Road
(m) Unnamed tributary to the Potomac River that flows through Roby Hollow and all tributaries to this unnamed tributary	39.588595	-78.429987	
(n) Unnamed tributary to the Potomac River that flows through Devil's Alley and all tributaries to this unnamed tributary	39.607699	-78.428234	
(o) Unnamed tributary to Sideling Hill Creek at Piney Grove	39.705681	-78.377356	Upstream of the intersection of Orleans Road and Route 40
(p) Unnamed Tributary to Sideling Hill Creek that flows through Swain Hollow and all tributaries to this unnamed tributary	39.678549	-78.340979	
(q) Munson Spring Branch and all tributaries	39.705626	-78.246756	Upstream from a point due north of the Route 68 Exit 77
(r) Unnamed Tributary to Rattle Run that flows through the Hickory Ridge Unit and all tributaries to this unnamed tributary	39.692248	-78.022278	
(s) Unnamed Tributary to Little Conococheague Creek at Polecat Hollow Road and all tributaries to this unnamed tributary	39.691872	-77.939952	From confluence with Little Conococheague parallel to Polecat Hollow Road
(5) Class IV: None.			
(6) Class IV-P:			
(a) Town Creek	39.522699	-78.543322	Mainstem only
(b) Fifteen Mile Creek and all tributaries	39.624306	-78.385322	
(c) Sideling Hill Creek and all tributaries	39.638721	-78.334084	
(d) Tonoloway Creek and all tributaries	39.694133	-78.156356	
(e) Licking Creek and all tributaries	39.651071	-78.049665	

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(f) Conococheague Creek and all tributaries	39.601204	-77.828375	
(g) Antietam Creek and all tributaries, except those designated above as Class III-P	39.417405	-77.745951	
(h) St. James Run	39.619544	-77.746772	Mainstem only. Confluence with Marsh Run upstream to headwaters
	39.537282	-77.763520	

*R. Sub-Basin 02-14-10: North Branch Potomac River Area.*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Use I-P:			
(a) North Branch Potomac River mainstem except that portion designated below as Use III-P	39.528486	-78.587610	From the confluence of the North and South Branches of the Potomac River to the MD/WV State line
(b) Mill Run and all tributaries (Allegany County) between the confluence with the North Branch Potomac and the Route 220 McMullen Highway road crossing	39.537360	-78.871353	From confluence with North Branch Potomac to the Route 220 McMullen Highway road crossing
	39.533030	-78.886076	
(c) Unnamed tributary to Mill Run and its tributaries in Allegany County	39.533054	-78.886147	From confluence with Mill Run upstream to headwaters
(d) An unnamed tributary near Pinto	39.567213	-78.839990	Confluence of the unnamed tributary with the North Branch of the Potomac River
(2) Use II: None.			
(3) Use III: None.			
(4) Use III-P:			
(a) North Branch Potomac River mainstem from below Jennings Randolph Dam downstream to the confluence with Laurel Run near Bloomington	39.4742592	-79.1054876	Mainstem only. From Jennings Randolph Dam downstream to the confluence with Laurel Run near Bloomington
	39.4317897	-79.1167041	
(b) All other waters are Use III-P except:			From confluence of North and South Branches of the Potomac River to the MD/WV state line
(i) Those designated above as Use I-P			
(ii) Those designated below as Use IV-P waters			
Note: Mill Run and all tributaries upstream from the Route 220 McMullen Highway road crossing (near intersection with Hansel Drive) are designated as Use III-P.			
(5) Use IV: None.			
(6) Use IV-P:			
(a) Wills Creek	39.648896	-78.764400	Mainstem only
(b) Evitts Creek	39.624841	-78.739466	Mainstem only
(c) Georges Creek	39.645609	-78.915845	Mainstem only
	39.483470	-79.046265	

*S. Sub-Basin 05-02-02: Youghiogheny River Area.*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Use I-P:			
(a) Broad Ford Run and all tributaries	39.407985	-79.371406	Upstream of Dam
(b) Piney Creek and all tributaries	39.701701	-79.019864	Upstream from the confluence with Church Creek to the boundary of the Frostburg Watershed property (near Jay Road)
	39.721323	-78.960085	
(2) Use II: None.			
(3) Use III:			
(a) North and South Branches of the Casselman River and all tributaries	39.668489	-79.177571	Upstream from the confluence of the North and South Branches Casselman to the headwaters
(b) Piney Creek and all tributaries in Maryland, including Church Creek	39.722576	-79.048833	From MD/PA State line upstream to confluence of Church Creek
	39.701701	-79.019864	
(c) Shade Run and all tributaries	39.684455	-79.164149	

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(d) Spiker Run and all tributaries	39.680001	-79.169868	
(e) Puzzley Run and all tributaries	39.721853	-79.232254	
(f) Unnamed tributary to the Casselman River and all tributaries to this unnamed tributary	39.709365	-79.117389	
(4) Use III-P:			
(a) Youghiogheny River and all tributaries joining the mainstem of the Youghiogheny River in Maryland	39.721389	-79.391256	Upstream from MD/PA State line
(b) Piney Creek and all tributaries	39.721323	-78.960085	Upstream from the Frostburg Watershed property (near Jay Road)
(5) Class IV: Casselman River	39.722386	-79.111767	Mainstem only, from Pennsylvania line upstream to the confluence of the South and North Branches of the Casselman
(6) Class IV-P: None.			

*T. Sub-Basin 02-05-03: Conewago Creek.*

(1) Class I-P: None.
(2) Class II: None.
(3) Class III: None.
(4) Class III-P: None.
(5) Class IV: None.
(6) Use IV-P: None.

*U. Sub-Basin 02-13-99: Chesapeake Bay (Mainstem).*

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) Class I-P: None.			
(2) Class II:			
(a) Northern Chesapeake Bay (CB1TF1): See Sub-Basin 02-12-02: Lower Susquehanna River Area.			
(b) Northern Chesapeake Bay (CB1TF2): See Sub-Basin 02-12-02: Lower Susquehanna River Area.			
(c) Upper Chesapeake Bay (CB2OH): Upper Chesapeake Bay Oligohaline	39.225143	-76.408775	(1) North Pt. SP, Black Marsh, 1200' NE of sm. creek
Designated Uses Present in Segment:	39.207447	-76.246994	(2) 3,000 feet S of Rt. 21 (Tolchester Beach Rd.)
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.372025	-76.101227	(3) 2,850 feet east of Howells Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	39.389511	-76.040848	(4) Grove Pt.
Application Depth: 0.5 meters, NGZ present	39.401688	-76.035194	(5) North of Chesapeake Haven, Grove Neck
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	39.420143	-76.123344	(6) 1,000 feet SW of Cherry Tree Pt., APG
Shellfish Harvest: See §U(2)(g) of this regulation	39.351715	-76.232986	(7) North Pt. south of Fort Howard
	39.339172	-76.256592	(8) 800 feet upriver of Lego Pt.
	39.303204	-76.296249	(9) Rickett Pt. at end of Ricketts Pt. Rd.
	39.312767	-76.32119	(10) Carroll Pt.
	39.312862	-76.321449	(11) Carroll Pt.
	39.316414	-76.331039	(12) Carroll I., midway betw. White Oak and Carroll Pts.
	39.309422	-76.342964	(13) Carroll Island, between Weir Pt. and Hawthorn Cove
	39.286442	-76.384102	(14) North shore of Holly Beach
	39.248951	-76.41053	(15) Rocky Pt. Park, between Claybank and Cedar Pts.
	39.231178	-76.40892	(16) Swan Pt., in line with 11th St.
(d) Upper Central Chesapeake Bay (CB3MH): Upper Chesapeake Bay Mesohaline	38.995991	-76.413185	(1) 500 feet SE of Moss Pond
Designated Uses Present in Segment:	38.989105	-76.330185	(2) 0.6 miles NE of where Rt. 50 W meets the Bay
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	39.016422	-76.296959	(3) Kent Island, 1,600 N of Grollman Rd.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	39.02972	-76.242516	(4) Wickes Beach, Eastern Neck Island

**PROPOSED ACTION ON REGULATIONS**

**2135**

<i>Application Depth: 0.5 meters, NGZ present</i>	39.054563	-76.220229	(5) Northern tip of Eastern Neck Island, east of Route 445 Bridge
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	39.056882	-76.220903	(6) Southern End of Eastern Neck, east of Route 445 Bridge
<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>	39.207447	-76.246994	(7) 3,000 S of Rt. 21 (Tolchester Beach Rd.)
<i>Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive</i>	39.225143	-76.408775	(8) North Pt. SP, Black Marsh, 1,200 feet NE of sm. creek
<i>Shellfish Harvest: See §U(2)(g) of this regulation</i>	39.195377	-76.444511	(9) North Pt. south of Fort Howard
	39.131855	-76.435081	(10) Bodkin Neck between Cedar and Bodkin Pts.
	39.074715	-76.422539	(11) East side Gibson I. across from Hapenny Way
	39.039185	-76.41433	(12) Between Beacon Hill and Tydings on the Bay
<i>(e) Middle Central Chesapeake Bay (CB4MH):</i>	38.384819	-76.381432	(1) Cove Pt.
<i>Designated Uses Present in Segment:</i>	38.393951	-76.282532	(2) Meekins Neck, 800 feet north of Cattail Island
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	38.421051	-76.288589	(3) Meekins Neck, across channel from Point #4
<i>Application Depth: 2.0 meters, NGZ present</i>	38.421944	-76.288742	(4) Southern tip of Taylors Island
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	38.487057	-76.331779	(5) West side of Oyster Cove, Taylors Island
<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>	38.526997	-76.333771	(6) 190 feet south of LCHMH Point #3
<i>Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive</i>	38.527523	-76.333801	(7) East edge of tidal flat N of existing James Island
<i>Shellfish Harvest: See §U(2)(g) of this regulation</i>	38.672421	-76.340698	(8) 720 feet along shore NNW of Blackwalnut Pt.
	38.719185	-76.334084	(9) South side Knapps Narrows, 275 feet west of Rt. 33
	38.719967	-76.333054	(10) North side Knapps Narrows, 150 feet west of Rt. 33
	38.752529	-76.340332	(11) 1,500 feet NE of Green Marsh Pt.
	38.836365	-76.369392	(12) Kent Pt.
	38.989105	-76.330185	(13) 0.6 mile NE of where Rt. 50 W meets the Bay
	38.995991	-76.413185	(14) 500 feet SE of Moss Pond
	38.976032	-76.452377	(15) Greenbury Pt., 800 feet up east side from the tip
	38.946095	-76.455879	(16) Bay Ridge, near Bainbridge Ave
	38.90786	-76.46624	(17) Southern shore of Thomas Pt. Park
	38.848892	-76.493805	(18) Felicity Cove, 250 feet north of Bay Rd.
<i>(f) Lower Central Chesapeake Bay (CB5MH):</i>	37.889451	-76.236198	(1) Smith Pt.
<i>Designated Uses Present in Segment:</i>	37.88568	-76.229038	(2) MD/VA State Line-2500' SW of Smith Pt.
<i>Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive</i>	37.941404	-76.083908	(3) MD/VA State Line-2.25 miles west of Smith Gut Pt.
<i>Application Depth: 2.0 meters, NGZ present</i>	38.05191	-76.128838	(4) 7,000 feet N and 2,500 feet W of Fog Pt., Smith Island
<i>Open Water Fish and Shellfish Use: January 1 to December 31, inclusive</i>	38.231445	-76.135773	(5) Lower Hooper I. between Nancys and Creek Pts.
<i>Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive</i>	38.248581	-76.153191	(6) Lower Hooper Island, NE end of The Thorofare
<i>Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive</i>	38.248642	-76.154419	(7) Middle Hooper Island, NW end of The Thorofare

Shellfish Harvest: See §U(2)(g) of this regulation	38.295982	-76.204597	(8) NW tip of Middle Hooper I. across from Ferry Pt.
	38.298965	-76.206718	(9) Ferry Pt.
	38.348228	-76.227264	(10) Drawbridge, northern Upper Hooper Island
	38.349953	-76.227982	(11) Drawbridge, southern Meekins Neck
	38.393951	-76.282532	(12) Meekins Neck, 800 feet north of Cattail Island
	38.384819	-76.381432	(13) Cove Pt.
	38.319176	-76.42099	(14) Drum Pt.
	38.304638	-76.421448	(15) Fishing Pt.
	38.038605	-76.321442	(16) Point Lookout
	37.909725	-76.263702	(17) East of Ophelia, 300 feet NW of light
(g) Shellfish Harvest Subcategory. All waters of the Chesapeake Bay Proper From the Susquehanna River mouth to the Virginia State line, including the tidal waters of the Chesapeake Bay bounded generally by the shoreline of the Bay and by "zero river mile" lines of estuaries and tributaries to the Bay, as designated by the Department of the Environment, and any peripheral waters designated as part of the Chesapeake Bay Proper by the Department of the Environment after consultation with the Tidewater Administration and the Forest, Park and Wildlife Service.			
(3) Class III: None.			
(4) Class III-P: None.			
(5) Class IV: None.			
(6) Class IV-P: None.			

# **.11 General Water Quality Certifications.**

A. (text unchanged)

B. General Water Quality Certification (GWQC) for the Installation of Utility Lines.

(1)—(3) (text unchanged)

(4) Construction Specifications.

(a)—(e) (text unchanged)

(f) To protect important aquatic species, in-stream work is prohibited as determined by the use designation of the stream, as follows:

(i) [Use] Class I and [Use] Class I-P Waters. In-stream work may not be conducted during the period March 1 through June 15, inclusive, during any year.

(ii) [Use] Class II Waters. In-stream work may not be conducted during the period June 1 through September 30 or December 16 through March 14, inclusive, during any year.

(iii) [Use] Class III and [Use] Class III-P Waters. In-stream work may not be conducted during the period October 1 through April 30, inclusive, during any year.

(iv) [Use] Class IV and [Use] Class IV-P Waters. In-stream work may not be conducted during the period March 1 through May 31, inclusive, during any year.

(g)—(h) (text unchanged)

(5)—(6) (text unchanged)

caused by normal corrosion and erosion from a facility's water distribution piping and appurtenances or associated with intake water from a municipal drinking water supply, if:

(a)—(d) (text unchanged)

(e) The discharger's receiving water body for the discharge is not a [Use] Class III or [Use] Class III-P water.

(2) (text unchanged)

D. (text unchanged)

# **.04 Sewage Treatment Works.**

A.—B. (text unchanged)

C. Level of Required Treatment.

(1) (text unchanged)

(2) Special Treatment Requirements for Discharge to Shellfish Harvesting Waters.

(a) Treatment sufficient to afford protection for shellfish harvesting waters shall be required for all sewage treatment works discharging into [Use] Class II waters.

(b)—(c) (text unchanged)

(3)—(4) (text unchanged)

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

## **26.08.04 Permits**

Authority: Environment Article, §§1-601—1-606, 9-313, 9-315, 9-323—9-328, and 9-330; Annotated Code of Maryland

### **.02-1 Discharge Permit Limits.**

A.—B. (text unchanged)

C. Corrosion and Erosion.

(1) Reasonable Potential. A discharger will not be found to cause, have the reasonable potential to cause, or contribute to an exceedance of a numerical water quality standard for a pollutant

# Title 29 DEPARTMENT OF STATE POLICE

## Subtitle 01 OFFICE OF THE SECRETARY

### 29.01.04 Hazardous Material Security

Authority: Environment Article, §§7-701 — 7-709, Annotated Code of Maryland

#### Notice of Proposed Action [13-401-P]

The Secretary of State Police proposes to adopt new Regulations .01 — .06 under a new chapter, **COMAR 29.01.04 Hazardous Material Security**.

#### Statement of Purpose

The purpose of this action is to establish regulations that describe the policies, procedures, and authorizations for the Secretary of State Police regarding the notice of violations, enforcement, and appeal process and hearing associated with hazardous material security.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Thomas L. Vondersmith, Jr., Administrator, Department of State Police, 1201 Reisterstown Road, or call 410-653-4253, or email to [thomas.vondersmith@maryland.gov](mailto:thomas.vondersmith@maryland.gov), or fax to 410-653-4250. Comments will be accepted through January 13, 2014. A public hearing has not been scheduled.

#### **.01 Purpose.**

*This chapter establishes the procedures to enforce compliance by a facility with the Hazardous Material Security Act, Environment Article, Title 7, Subtitle 7, Annotated Code of Maryland, and COMAR 26.27.01.*

#### **.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administrative law judge" has the meaning stated under COMAR 28.02.01.02B(1).

(2) "Civil penalty" means a statutorily authorized monetary penalty imposed for a violation of a statute or regulation.

(3) "Department" means the Department of State Police.

(4) Facility.

(a) "Facility" means a location in the State in which a hazardous material is stored, dispensed, used, or handled.

(b) "Facility" does not include:

(i) A railroad, rail train, or rail car regulated under 49 U.S.C. Subtitle IV, Part A; or

(ii) A retail distributor whose principal business is to sell or offer for sale, at the retail level, commercial fertilizer intended for agricultural use.

(5) "Hearing" means a contested case hearing, as defined by the Administrative Procedure Act, State Government Article, §§10-201—10-227, Annotated Code of Maryland.

(6) "Person" means a person who owns, operates, maintains, or causes to operate or maintain a facility in this State.

(7) "Referring Agency" means the Department of the Environment.

(8) "Secretary" means the Secretary of the Department of State Police.

(9) "State" means the State of Maryland.

#### **.03 Written Referral for Enforcement.**

A. If the Referring Agency, through an audit, inspection, or investigation, determines that a facility is not in compliance with the Hazardous Material Security Act, Environment Article, Title 7, Subtitle 7, Annotated Code of Maryland, or COMAR 26.27.01, the Referring Agency shall refer each violation to the Department for enforcement.

B. The Referring Agency's written referral shall:

(1) Include the name, address, and telephone number of the authorized representative from the Referring Agency;

(2) Be signed by an authorized representative of the Referring Agency and dated;

(3) Contain the following identification on the facility:

(a) Full name and address; and

(b) Name of owner or operator, or both; and

(4) Advise the Department of the following:

(a) Specific violations;

(b) Brief statement of facts; and

(c) Statement of the law upon which a violation is based.

#### **.04 Notice of Violation.**

A. Upon receipt of the Referring Agency's written referral, the Secretary shall give notice of the violation and civil penalty assessed against a facility to a person by any method allowed for service of a summons under the Maryland Rules.

B. The notice of violation shall contain:

(1) Factual description of each violation;

(2) Civil penalty imposed;

(3) Statement of law or regulation on which each violation is based; and

(4) Appeal procedures.

C. Records deemed confidential by law shall be handled as confidential.

#### **.05 Enforcement and Penalty.**

A. In addition to any other remedies available by law or in equity, the Department may impose a civil penalty against a person who violates the Hazardous Material Security Act, Title 7, Subtitle 7 of the Annotated Code of Maryland, or COMAR 26.27.01.

B. The civil penalty may not exceed \$1,000 per violation.

C. Each day a violation occurs is a separate offense.

D. A civil penalty imposed is payable to the Maryland Community Right-to-Know Fund under COMAR 26.26.01 and collected in a manner provided at law for the collection of debts.

E. The Department may refer debts to the Central Collection Unit of the Department of Budget and Management in accordance with State Finance and Procurement Article, Title 3, Subtitle 3, Annotated Code of Maryland.

*F. If a person who is liable to pay a penalty fails to pay after a demand for penalty is made by the Department, the amount, together with any interest and any costs that may accrue, shall be:*

*(1) A lien in favor of the State on a property, real or personal, of the person; and*

*(2) Recorded in the office of the clerk of court for the county where the property is located.*

#### **.06 Appeal Process and Hearing.**

*A. After receiving written notice from the Department of the violation and penalty assessed against the facility, a person may submit a written appeal to the Secretary within 30 calendar days from receipt of the written notice of violation.*

*B. If a person fails to submit a written appeal to the Department within 30 calendar days of receipt of the written notice of violation, the person is deemed to have waived all rights to an appeal and the proposed action and assessed civil penalty shall both become final.*

*C. If the person timely submits a written appeal to the Secretary, the Secretary will transfer the written appeal to the Office of Administrative Hearings for a hearing in accordance with the Department's administrative hearing regulations under COMAR 29.01.01.01.*

*D. A hearing before an Administrative Law Judge of the Office of Administrative Hearings shall be conducted in accordance with the following:*

*(1) Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland;*

*(2) The Department's administrative hearing regulations under COMAR 29.01.01.01;*

*(3) The Rules of Procedure of the Office of Administrative Hearings under COMAR 28.02.01; and*

*(4) This chapter.*

MARCUS L. BROWN  
Secretary of State Police

## **Title 31 MARYLAND INSURANCE ADMINISTRATION**

### **Subtitle 04 INSURERS**

#### **31.04.22 Title Insurers**

*Authority: Insurance Article, §§2-108, 2-109, 10-121, and 10-128.1, Annotated Code of Maryland*

#### **Notice of Proposed Action**

[13-406-P]

The Insurance Commissioner proposes to adopt new Regulations **.01 — .08** under a new chapter, **COMAR 31.04.22 Title Insurers**.

#### **Statement of Purpose**

The purpose of this action is to set forth the circumstances in which a title insurance company shall conduct the annual on-site review of a title insurance producer, the minimum requirements of the annual on-site review, and the written reporting and document retention requirements related to the on-site review.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2450, or email to [katrina.lawhorn@maryland.gov](mailto:katrina.lawhorn@maryland.gov), or fax to 410-468-2020. Comments will be accepted through January 13, 2013. A public hearing has not been scheduled.

#### **.01 Applicability.**

*This chapter applies to a title insurer, title insurance producer, and title agency.*

#### **.02 Scope.**

*This chapter:*

*A. Establishes the minimum standards and procedures for conducting an on-site review; and*

*B. Provides for the filing of an on-site review report with the Commissioner.*

#### **.03 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

*(1) "Accounts" means any and all accounts associated with the principal agent's title insurance business.*

*(2) "Appointment" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.*

*(3) "Certification" means a written statement signed by the principal agent that the information provided to the title insurer during the on-site review is, to the best of the principal agent's knowledge, information, and belief, full, complete, and truthful and that the principal agent has undertaken an adequate inquiry to make the required certification.*

*(4) "Claim" has the meaning set forth in COMAR 31.15.07.02B(2).*

*(5) "Commissioner" means the Maryland Insurance Commissioner or the Commissioner's designee.*

*(6) "Escrow" means the act or process of providing closing services or services pursuant to an escrow agreement by a title insurer or a principal agent.*

*(7) "Escrow account" means an account that contains or has contained trust money deposits or other money that a person entrusts to a title insurer or a principal agent to hold for the benefit of a buyer or borrower in a real estate transaction or for a beneficial owner, in connection with an escrow, settlement, closing, or title indemnification.*

*(8) "Insurance" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.*

*(9) "Insurance business" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.*

*(10) "Insurance producer" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.*

*(11) "Insurer" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.*

*(12) "Licensed insurance producer" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.*

*(13) "Licensee" means a title insurer, title insurance producer, or title insurance agency.*

(14) "MAHT" means the Maryland Affordable Housing Trust established under the Housing and Community Development Article, §10-102, Annotated Code of Maryland.

(15) "On-site review" means an audit of the underwriting, claims, and escrow practices of each principal agent conducted by a title insurer or its designee, at the principal agent's principal place of business in the State and, if the principal agent's information to be reviewed is not kept at its principal place of business in the State, then at each site where such information is kept.

(16) "Principal agent" means a title insurance producer appointed by the title insurer to act on behalf of the title insurer.

(17) "Report" means the written report required under Insurance Article, §10-121(k), Annotated Code of Maryland, and containing the elements specified by the Commissioner.

(18) "Title agency" has the meaning set forth in Insurance Article, §10-125, Annotated Code of Maryland.

(19) "Title insurance" has the meaning set forth in Insurance Article, §1-101, Annotated Code of Maryland.

(20) "Title insurance producer" has the meaning set forth in Insurance Article, §10-101, Annotated Code of Maryland.

(21) "Title insurer" means an insurer authorized by the Commissioner to conduct title insurance business in the State.

(22) "Trust money" has the meaning set forth in Insurance Article, §10-121, Annotated Code of Maryland.

(23) "Underwriting standards" has the meaning set forth in COMAR 31.04.16.02.

#### **.04 Conducting an On-Site Review.**

##### **A. A title insurer:**

(1) Shall, except as provided in §A(4) of this regulation, conduct an on-site review during each calendar year of the underwriting, claims, and escrow practices of each principal agent;

(2) Shall conduct an on-site review during normal business hours;

(3) May not be required to provide advance notice to the principal agent of the commencement of an on-site review; and

(4) May not be required to conduct an on-site review of a principal agent for the calendar year during which the principal agent is initially appointed, if the appointment is made on or after June 30 of that calendar year.

B. The on-site review required under §A of this regulation shall, at a minimum, include:

##### **(1) A determination of whether:**

(a) The principal agent is in compliance with the title insurer's underwriting standards in the State; and

(b) The principal agent's escrow accounts have been properly reconciled as of the date of the completed on-site review and contain sufficient funds to disburse the trust money from all settlement files necessary to establish the lien, title or interests insured in accordance with title insurance policies issued by the title insurer conducting the on-site review;

(2) A review of the principal agent's operations to evaluate compliance with the notice requirements under Insurance Article, §22-102, Annotated Code of Maryland, including whether the principal agent:

(a) Inserted the name of each proposed insured in the binder for the title insurance or the title report;

(b) Delivered to the buyer or agent or attorney of the buyer immediately upon receipt of the premium, written notice of the name of each insured under the title insurance policy, the face amount of the title insurance policy, the buyer's right and opportunity to obtain simultaneous title insurance in the buyer's favor, written notice of the additional premium that will be required for the purchase of simultaneous title insurance in the buyer's favor; and

(c) Obtained from the buyer a written statement that he or she received the notice referenced in §B(2)(b) of this regulation and a statement that the buyer wants or does not want owner's title insurance;

(3) A review and reconciliation of a principal agent's policy blank inventory;

(4) To the extent that a title insurer delegates the responsibility to the principal agent to handle any aspect of a claim, a review of whether the principal agent is in compliance with the title insurer's policies and procedures for handling a claim;

##### **(5) Verification that:**

(a) The principal agent has filed the annual report required under COMAR 31.16.03.06;

(b) Only a licensed title insurance producer exercises control over trust money;

(c) Premium monies are held separate from other funds or confirmation that the principal agent has received express written consent from the title insurer in the form required by COMAR 31.03.03 to commingle premium monies with the principal agent's personal fund; and

(d) Funds received by the principal agent are accurately accounted for in the books and records of the principal agent;

(6) A review of the escrow practices of the principal agent; and

(7) A copy of the written certification of the principal agent which shall contain:

(a) The printed name and signature of the principal agent;

(b) The date the principal agent signed the certification; and

(c) The following statement in at least 12 point font: I hereby certify that the information provided to the title insurer or its designee during the on-site review is, to the best of my knowledge, information, and belief, full, complete, and truthful and that I have undertaken an adequate inquiry to make this certification.

C. If the principal agent does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the trust deposits held on its behalf are reasonably ascertainable from the books of account and records of the principal agent.

D. A title insurer may enter into a written contract with a third party to perform an on-site review.

E. A title insurer that enters into a written contract with a third party to perform an on-site review is bound by the findings of the third party and responsible for any violation regardless of any delegation.

#### **.05 Failure to Cooperate.**

A principal agent's failure to cooperate with a title insurer at the commencement of or during an on-site review shall constitute a reason to believe that the principal agent has engaged in a prohibited activity under Insurance Article, §10-126, Annotated Code of Maryland.

#### **.06 Report.**

A. A title insurer shall file a report with the Commissioner within 45 calendar days after the completion of the on-site review.

##### **B. The report shall address the following areas:**

(1) The name, Maryland producer license number, and contact information of the principal agent or any insurance producer designated pursuant to Insurance Article, §10-106, Annotated Code of Maryland;

(2) The name and Maryland producer license number of any principal agent's responsible producer;

(3) The principal agent's escrow accounts and related practices;

(4) The principal agent's bank reconciliation and related practices;

- (5) *Transfers of money between principal agent's accounts that contain or have contained trust money deposits;*
- (6) *Discrepancies between receipts and disbursements;*
- (7) *The principal agent's MAHT accounts;*
- (8) *Information relating to escrow accounts or settlement, closing, or title indemnification conducted by a principal agent, or title insurance producer acting on behalf of the title insurer;*
- (9) *The principal agent's policy blank inventory; and*
- (10) *Any additional information requested by the Commissioner.*

C. A title insurer is not precluded from providing a more comprehensive description of the on-site review.

D. The report shall contain:

- (1) *The certification from the principal agent required under Regulation .04B(7) of this chapter; and*
- (2) *A copy of the express written consent required under Regulation .04B(5)(c) of this chapter, if premium monies are comingled with the principal agent's personal funds.*

**.07 Prohibited Activities.**

A. Except as provided in §B of this regulation, if a title insurer has reason to believe that the principal agent has engaged in, or is engaging in, conduct that is prohibited by Insurance Article, §10-126, Annotated Code of Maryland, the title insurer shall notify the Commissioner in writing within 5 business days after obtaining such knowledge or belief.

B. A title insurer shall notify the Commissioner in writing within 2 business days if a title insurer has reason to believe that a principal agent has not complied or is not complying with the title insurer's financial accounting requirements.

C. A title insurer's written notification to the Commissioner under §§A and B of this regulation shall include the following information:

- (1) *The name, physical address, telephone number, and email address of the principal agent;*
- (2) *The principal agent's producer license number;*
- (3) *The date or dates on which the principal agent failed to cooperate, if applicable;*
- (4) *A description of the facts and circumstances of the principal agent's conduct prohibited by Insurance Article, §10-126, Annotated Code of Maryland, if applicable; and*
- (5) *A copy of the title insurer's financial accounting requirements and a description of the facts and circumstances of the principal agent's failure to comply therewith, if applicable.*

**.08 Maintenance of Records.**

A. A licensee shall maintain for a period of 5 years after the conclusion of an on-site review, and make available to the Commissioner upon request, all documentation collected, prepared, and produced by the licensee during an on-site review including, but not limited to, work papers, summaries, daily log notes, and the report.

B. Records required by this regulation may be maintained in paper, photographic, magnetic, mechanical, or electronic media or by any process that accurately reproduces the actual document, if the copy of the record is maintained in a manner that:

- (1) *Is clear and legible;*
- (2) *Accurately reproduces the original document in its entirety, including any attachments to the document;*
- (3) *Is capable of producing a clear and legible hard copy of the original document; and*
- (4) *Preserves evidence of any signature contained on the document.*

THERESE M. GOLDSMITH  
Insurance Commissioner

## Subtitle 08 PROPERTY AND CASUALTY INSURANCE

### 31.08.13 Application of a Percentage Deductible in the Case of a Hurricane or Other Storm

Authority: Insurance Article, §§2-109 and 19-209, Annotated Code of Maryland

#### Notice of Proposed Action

[12-354-R]

The Insurance Commissioner proposes to adopt new Regulations .01 — .06 under a new chapter, **COMAR 31.08.13 Application of a Percentage Deductible in the Case of a Hurricane or Other Storm**. Because substantive changes have been made to the original proposal as published in 39:26 Md. R. 1674 — 1676 (December 28, 2012), this action is being repropose at this time.

#### Statement of Purpose

The purpose of this action is to implement Insurance Article, §19-209, Annotated Code of Maryland, by specifying the circumstances under which an insurer may apply a percentage deductible to a claim for covered loss due to a hurricane or other storm; to establish procedures and standards for an insurer to file and the Commissioner to approve or disapprove an underwriting standard that requires a percentage deductible that exceeds 5 percent in the case of a hurricane or other storm; and to establish standards and procedures for the content and delivery of the annual statement that an insurer is required to provide regarding a percentage deductible in the case of a hurricane or other storm. The purpose of the reproposal is to clarify that the regulations apply only to a policy issued under an underwriting standard that requires the policy to include a percentage deductible; to clarify the definitions of "National Hurricane Center of the National Weather Service," "residential property," and "underwriting standards"; to delete an unnecessary definition of "waiting period"; to require an insurer that withdraws an underwriting standard that requires a percentage deductible that exceeds 5 percent to notify the Commissioner rather than obtain approval from the Commissioner; to establish procedures for the Commissioner to review an insurer's annual statement; and to alter the content of the annual statement.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2450, or email to Katrina.Lawhorn@Maryland.Gov, or fax to 410-468-2020. Comments will be accepted through January 13, 2013. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Helvetica Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.01 (originally proposed text unchanged)

**.02 Applicability.**

A. (originally proposed text unchanged)

**B. This chapter applies only to a policy of homeowner's insurance issued under an underwriting standard that requires the policy to include a percentage deductible.**

**.03 Definitions.**

A. (originally proposed text unchanged)

B. *Terms Defined.*

(1) — (4) (originally proposed text unchanged)

(5) “National Hurricane Center of the National Weather Service” [[[means]]] **includes:**

(a) — (b) (originally proposed text unchanged)

(6) — (8) (originally proposed text unchanged)

(9) *Residential Property.*

(a) (originally proposed text unchanged)

(b) “Residential property” includes:

(i) [[[An apartment unit]]] **A residence written on a personal farmowner's policy form;**

(ii) — (iv) (originally proposed text unchanged)

(c) (originally proposed text unchanged)

[[[(10) Underwriting Standards.]]]

[[[(a)]]] **(10)** (originally proposed text unchanged)

[[[(i)]]] **(a)** — [[[(ii)]]] **(b)** (originally proposed text unchanged)

[[[(b) “Underwriting standards” includes policy forms that include a percentage deductible.]]]

[[[(11) “Waiting Period” means the period of time during which an insurer may not adopt, amend, or withdraw an underwriting standard filed in accordance with regulation .05 of this chapter, pending the Commissioner's approval or the expiration of a 60-day period of review and any extension of the period of review.]]]

.04 (originally proposed text unchanged)

**.05 Underwriting Standard.**

A. An insurer may not [[[adopt, amend, or withdraw]]] **adopt or amend** an underwriting standard that requires a percentage deductible that exceeds 5 percent unless the insurer has:

(1) Filed the underwriting [[[standard,]]] **standard or the amendment to the underwriting [[[standard, or a notice of withdrawal of the underwriting standard]]] standard** with the Commissioner; and

(2) Obtained from the Commissioner approval for the [[[adoption, amendment, or withdrawal]]] **adoption or amendment** of the underwriting standard.

**B. If an insurer withdraws an underwriting standard that requires a percentage deductible that exceeds 5 percent, the insurer shall notify the Commissioner in writing within 10 days of the withdrawal.**

[[[B.]]] C. — [[[L.]]] J.

**.06 Annual Statement.**

A. — C. (originally proposed text unchanged)

**D. Approval by the Commissioner of the annual statement constitutes a waiver of any unexpired part of the 60-day waiting period.**

**E. The Commissioner may extend the initial 60-day waiting period up to an additional 60 days if the Commissioner gives notice of the extension before the initial waiting period ends.**

**F. The annual statement is deemed approved unless the Commissioner affirmatively approves or disapproves it before the end of the initial 60-day waiting period or any extended waiting period.**

**G. At any time, the Commissioner may withdraw approval of an annual statement, if the Commissioner:**

**(1) Gives prior notice of the withdrawal; and**

**(2) States the effective date of the withdrawal in the notice.**

[[[D.]]] H. The annual statement shall:

(1) — (4) (originally proposed text unchanged)

(5) Include the following statement or a substantially similar statement:

Your homeowner's insurance policy contains a percentage deductible, which means[[[ that, under certain circumstances,]]] **that** your deductible for a covered loss will be determined by multiplying the dollar amount of your Coverage A – Dwelling Limit of Liability by this percentage **under the following circumstances: [insert explanation of circumstances under which a percentage deductible would be applied].**

The examples below are for illustrative purposes only.

If, at the time of a covered loss, a homeowner's insurance policy's Coverage A – Dwelling Limit of Liability is \$300,000 and the policy includes a 2% deductible, the policyholder will be responsible for paying a deductible of \$6,000 on a claim for a covered loss (\$300,000 x 2%). This means that, for example:

If the covered loss to the dwelling is \$25,000 and the covered loss to personal property is \$10,000 for a total covered loss amount of \$35,000, the policyholder is responsible for paying a \$6,000 deductible and the insurer is responsible for the balance of the covered loss, or \$29,000.

If the covered loss to the dwelling is \$5,000, the policyholder is responsible for paying the entire covered loss because the total amount of the covered loss is less than the percentage deductible, which is \$6,000.

Please review your homeowner's insurance policy to determine your percentage deductible, your Coverage A- Dwelling Limit of Liability, and under what circumstances this percentage deductible will be applied.

[[[E.]]] I. (originally proposed text unchanged)

THERESE M. GOLDSMITH  
Insurance Commissioner

## Subtitle 08 PROPERTY AND CASUALTY INSURANCE

### 31.08.17 Statement of Actual Reason for Cancellation or Nonrenewal of Commercial Insurance Policy

Authority: Insurance Article, §§2-109 and 27-605, Annotated Code of Maryland

#### Notice of Proposed Action

[13-407-P]

The Insurance Commissioner proposes to adopt new Regulations .01 — .03 under a new chapter, **COMAR 31.08.17 Statement of Actual Reason for Cancellation or Nonrenewal of Commercial Insurance Policy**.

#### Statement of Purpose

The purpose of this action is to require an insurer that cancels or does not renew a policy of commercial insurance to include, in the statement of actual reason for the cancellation or nonrenewal, a notice that, if the insured would like additional information in support of the proposed action, the insured is required to send a written request for additional information within 30 days after the date of the statement of actual reason.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** If insurers have not already done so, they will be required to add, to their statement of actual reason for the cancellation or nonrenewal of a policy of commercial insurance, a notice of the deadline for requesting additional information. Consumers will benefit by being notified of the deadline for requesting additional information following receipt of a statement of actual reason for cancellation or nonrenewal of a policy of commercial insurance.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Unquantifiable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. If insurers have not already done so, they will be required to add, to their statement of actual reason for the cancellation or nonrenewal of a policy of commercial insurance, a notice of the deadline for requesting additional information.

F. Consumers will benefit by being notified of the deadline for submitting a request for additional information following receipt of a statement of actual reason for cancellation or nonrenewal of a policy of commercial insurance.

#### Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Small businesses will benefit by being notified of the deadline for submitting a request for additional information following receipt of a statement of actual reason for cancellation or nonrenewal of a policy of commercial insurance.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, or call 410-468-2450, or email to Katrina.Lawhorn@Maryland.Gov, or fax to 410-468-2020. Comments will be accepted through January 13, 2013. A public hearing has not been scheduled.

#### .01 Scope.

A. This chapter applies only to policies of commercial insurance.

B. This chapter does not apply to:

(1) A policy in effect for 45 days or less, as provided in Insurance Article, §12-106, Annotated Code of Maryland; or

(2) A policy issued to an exempt commercial policyholder under Insurance Article, §11-206, Annotated Code of Maryland, if the policy provides for written notice of not less than 30 days of the insurer's intent to cancel or refusal to renew.

#### .02 Definitions.

A. In this chapter the following term has the meaning indicated.

B. Commercial Insurance Defined.

(1) "Commercial insurance" means property insurance or casualty insurance:

(a) Issued to an individual, sole proprietor, partnership, corporation, limited liability company, or similar entity; and

(b) Intended to insure against loss arising from the business pursuits of the insured entity.

(2) "Commercial insurance" does not include:

(a) A policy issued by the Maryland Automobile Insurance Fund;

(b) A policy issued by the Joint Insurance Association;

(c) Workers' compensation insurance; or

(d) Title Insurance.

#### .03 Statement of Actual Reason.

A. Whenever an insurer cancels or refuses to renew a policy of commercial insurance for a reason other than nonpayment of premium, the insurer shall provide to the named insured a written statement of the actual reason for the cancellation or refusal to renew.

B. An insurer shall include in a statement of actual reason:

(1) An offer to provide additional information in support of the proposed action on the written request of the insured;

(2) A notice that if the insured would like additional information in support of the proposed action, the insured is required to send the written request for additional information within 30 days after the date of the statement of actual reason; and

(3) An address for the insured to submit the written request for additional information.

THERESE M. GOLDSMITH  
Insurance Commissioner

# Errata

## COMAR 30.09.01.02

At 40:18 Md. R. 1513 (September 6, 2013), column 2, after line 9  
from the bottom:

Insert: [(18)] (19) — [(19)] (20) (text unchanged)  
[13-25-28]

## Special Documents

### MARYLAND HEALTH CARE COMMISSION NUMBER OF CHRONIC HOSPITAL BEDS AND PATIENT DAYS AND PERCENT OCCUPANCY, BY FACILITY: MARYLAND, 2012

Jurisdiction/Facility	Number of Beds	Number of Days	Occupancy (%)
<b>Baltimore City</b>			
James Lawrence Kernan Hospital <sup>1</sup>	40	11,772	80.41%
Johns Hopkins Bayview Medical Center <sup>2</sup>	76	21,875	79.95%
Levindale Hebrew Geriatric Center and Hospital	100	31,317	85.57%
University Specialty Hospital	180	26,996	40.98%
<b>Prince George's County</b>			
Laurel Regional Hospital <sup>3</sup>	46	6,529	38.78%
<b>SUBTOTAL: Private Chronic Hospitals</b>	<b>442</b>	<b>98,489</b>	<b>60.88%</b>
<b>Washington County</b>			
Western Maryland Hospital Center <sup>4</sup>	60	6,116	27.85%
<b>Wicomico County</b>			
Deer's Head Hospital Center <sup>5</sup>	66	4,236	17.54%
<b>SUBTOTAL: State-operated Chronic Hospitals<sup>6</sup></b>	<b>126</b>	<b>10,352</b>	<b>22.45%</b>
<b>STATEWIDE TOTAL<sup>7</sup></b>	<b>568</b>	<b>108,841</b>	<b>52.36%</b>

**Sources:** Maryland Health Care Commission. The number of licensed chronic hospital beds maintained in the Commission's inventory is based on the Commission's Certificate of Need files and licensing information provided by the Office of Health Care Quality. The number of FY 2012 patient days for the private chronic hospitals is obtained from the Financial Data Base, as reported by private chronic hospitals to the Health Services Cost Review Commission (HSCRC), as of November 12, 2013. The number of FY 2012 patient days for the two state-operated chronic hospitals is obtained from the Hospital Management Information System (HMIS), as maintained by the Maryland Department of Health and Mental Hygiene.

**Notes:** The number of beds reflects the number of licensed chronic hospital beds at each facility as of June 30, 2012 (the end of the 2012 fiscal year reporting period). Occupancy is calculated based on licensed beds.

[13-25-12]

<sup>1</sup> Kernan Hospital's 40 chronic hospital beds include 16 dually licensed chronic/rehabilitation beds.

<sup>2</sup> Johns Hopkins Bayview Medical Center's 21,875 patient days is the combined number of patient days for the separately licensed 76 special hospital-chronic beds and nine special hospital-rehabilitation beds.

<sup>3</sup> Gladys Spellman Specialty Hospital and Nursing Center relocated its 46 licensed chronic hospital beds to Laurel Regional Hospital, effective June 30, 2011.

<sup>4</sup> Western Maryland Hospital Center's occupancy, based on its 30 *budgeted* chronic hospital beds, would be 55.67 percent.

<sup>5</sup> Deer's Head Hospital Center's chronic hospital occupancy, based on its 14 *budgeted* chronic hospital beds, would be 82.67 percent.

<sup>6</sup> The occupancy for the two State-operated chronic hospitals, based on the total 44 *budgeted* chronic hospital beds, would be 64.28 percent.

<sup>7</sup> The statewide chronic hospital occupancy based on the 442 *licensed* beds at the five *private* facilities plus the 44 *budgeted* beds at the two *state-operated* facilities would be 61.19 percent.

# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### ATHLETIC COMMISSION

**Subject:** Public Meeting  
**Date and Time:** December 18, 2013, 2 — 4 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patrick Pannella (410) 230-6223  
 [13-25-08]

### CORRECTIONAL TRAINING COMMISSION

**Subject:** Public Meeting  
**Date and Time:** January 15, 2014, 10 a.m. — 12 p.m.  
**Place:** Public Safety Education and Training Center, 6852 4th St., Sykesville, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Thomas C. Smith (410) 875-3605  
 [13-25-14]

### GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

**Subject:** Public Meeting  
**Date and Time:** January 16, 2014, 1 — 3 p.m.  
**Place:** Howard Co. Police Dept., Ellicott City, MD  
**Contact:** Jessica Winpiger (410) 821-2824  
 [13-25-07]

### BOARD OF MASTER ELECTRICIANS

**Subject:** Public Meeting  
**Date and Time:** January 28, 2014, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Gae Herzberger (410) 230-6160  
 [13-25-17]

### STATE BOARD OF STATIONARY ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** January 21, 2014, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Gae Herzberger (410) 203-6163  
 [13-25-18]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

**Subject:** CFC SPA update  
**Add'l. Info:** Maryland Medicaid Community First Choice State Plan Amendment

The Secretary of Health and Mental Hygiene proposes to implement the Community First Choice program under Section 1915(k) of the Social Security Act, effective January 6, 2014. The program has corresponding regulations being submitted under COMAR 10.09.84. The program was made available under the Affordable Care Act and expands and enhances personal assistance and related support services to Maryland Medicaid recipients who meet certain eligibility criteria. The State will claim 6 percent enhanced federal matching funds for these services, which will generate \$8.2 million additional federal revenue during State Fiscal Year 2014.

Copies of the State Plan Amendment are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Lorraine Nawara, Deputy Director, Community Integration Programs, Department of Health and Mental Hygiene, 201 W. Preston St., Rm. 135, Baltimore, MD 21201, or faxed to 410-333-5185.  
**Contact:** Lorraine Nawara (410) 767-1739  
 [13-25-29]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

**Subject:** OTC Tobacco Cessation Products, changes to coverage  
**Add'l. Info:** Changes to coverage for smoking cessation products.

Beginning January 1st, 2014, Maryland Medicaid will cover all forms of smoking cessation drugs, including over the counter products. Section 2502 of the Affordable Care Act requires state Medicaid and their MCOs to cover OTC agents used to promote smoking cessation. CMS has interpreted this to mean that MCOs must cover all dosage forms of OTC tobacco cessation products in their formularies, including patches, chewing gum, lozenges, inhalers, and nasal sprays.

However this ruling does not otherwise prohibit MCOs from limiting their formularies or implementing preauthorization requirements. MCOs may also impose quantity limits and require that the member present a prescription for OTC smoking cessation products.

Copies of the proposed changes are available for public review at the local health department in each county and Baltimore City. Comments may be sent to Linda Song, State Plan Coordinator via email at Linda.Song@maryland.gov.

**Contact:** Linda Song (410) 767-1432  
 [13-25-30]

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

**Subject:** Urgent Care Centers SPA Update  
**Add'l. Info:** Inclusion of Urgent Care Centers in the Maryland Medicaid State Plan

For dates of service beginning January 1, 2014, Maryland Medicaid is applying for a State Plan Amendment to cover a facility fee for services rendered to recipients in a freestanding urgent care center. Services, requirements, and limitations are included within the State Plan Amendment (SPA) Att 3.1A, pg 22-E and Att 4.19B, pg 32-B. Under the proposal, these centers will be reimbursed a \$50 facility fee as well as services rendered by the physician or authorized personnel under the physician's supervision during the visit. The fee schedule can be viewed at <http://mmcp.dhnh.maryland.gov/SitePages/Provider%20Information.aspx>.

Copies of the proposed changes are available for public review at the local health department in each county and Baltimore City. Comments may be sent to Linda Song, State Plan Coordinator via email at Linda.Song@maryland.gov.

**Contact:** Linda Song (410) 767-1432  
 [13-25-31]

**BOARD OF HEATING,  
VENTILATION, AIR-  
CONDITIONING, AND  
REFRIGERATION CONTRACTORS  
(HVACR)**

**Subject:** Public Meeting  
**Date and Time:** January 8, 2014, 10:30 a.m. — 12:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** John Papavasiliou (410) 230-6160

[13-25-10]

**STATE ADVISORY BOARD FOR  
JUVENILE SERVICES**

**Subject:** No Meeting Notice  
**Date and Time:** December 17, 2013, 2 — 4 p.m.  
**Add'l. Info:** The December 2013 State Advisory Board meeting has been cancelled.  
**Contact:** Tim Gilbert (410) 230-3488

[13-25-34]

**BOARD FOR PROFESSIONAL LAND  
SURVEYORS**

**Subject:** Public Meeting  
**Date and Time:** January 3, 2014, 10 a.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262

[13-25-27]

**MARYLAND HEALTH CARE  
COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** December 19, 2013, 1 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460

[13-25-01]

**MARYLAND HEALTH CARE  
COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** January 16, 2014, 1 p.m.  
**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD  
**Contact:** Valerie Wooding (410) 764-3460

[13-25-09]

**DEPARTMENT OF NATURAL  
RESOURCES/FISHERIES SERVICE**

**Subject:** Commercial Striped Bass Hook and Line Harvest Closure  
**Add'l. Info:** The Secretary of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the closure of the 2013 commercial striped bass hook and line fishery, effective at 12:01 a.m. on Tuesday, November 19, 2013. The annual commercial hook and line quota is expected to be caught by November 19th.

Joseph P. Gill  
Secretary  
Maryland Department of Natural Resources  
**Contact:** Tamara O'Connell (410) 260-8271

[13-25-15]

**DEPARTMENT OF NATURAL  
RESOURCES/FISHERIES SERVICE**

**Subject:** Commercial Striped Bass Gill Net Season Modification  
**Add'l. Info:** The Secretary of Natural Resources, pursuant to COMAR 08.02.15.12(H), announces the modification of the 2013 commercial striped bass gill net season. The December gill net fishery is closed until 12:01 a.m. on Tuesday, December 10, 2013. The fishery will be open on Tuesdays and Wednesdays only from 3 a.m. to 6 p.m. The daily catch limit will be 300 pounds per striped bass harvest permit with a daily vessel limit of 1,200 pounds per vessel. All other regulations for the gill net fishery remain in effect. The Secretary may, by public notice, subsequently amend season dates and daily landing limits if the quota is projected to be caught.

Joseph P. Gill  
Secretary  
Maryland Department of Natural Resources  
**Contact:** Tamara O'Connell (410) 260-8271

[13-25-16]

**DEPARTMENT OF NATURAL  
RESOURCES/FISHERIES SERVICE**

**Subject:** Public Notice  
**Add'l. Info:** Commercial Striped Bass Hook and Line Harvest Modification  
The Secretary of Natural Resources, pursuant to COMAR 08.02.15.12H, announces the re-opening of the 2013 commercial striped bass hook and line fishery, effective at 12:01 a.m. on Tuesday, November 26, 2013. The hook and line fishery will be open for 1 day only with a catch limit of 300 lbs/permit/day. The

fishery will close at 12:01 a.m. on Wednesday, November 27, 2013. All other regulations for the hook and line fishery remain in effect.

Joseph P. Gill  
Secretary  
Maryland Department of Natural Resources  
**Contact:** Tamara O'Connell (410) 260-8271

[13-25-19]

**POLICE TRAINING COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** January 8, 2014, 10 a.m. — 12 p.m.  
**Place:** Public Safety Education and Training Center, 6852 4th St., Sykesville, MD  
**Add'l. Info:** A portion of this meeting may be held in closed session.  
**Contact:** Thomas C. Smith (410) 875-3605

[13-25-13]

**TASK FORCE TO STUDY A POST  
LABOR DAY START DATE FOR  
MARYLAND PUBLIC SCHOOLS**

**Subject:** Public Meeting  
**Date and Time:** January 7, 2014, 1 — 3 p.m.; February 5, 2014, 1 — 3 p.m.  
**Place:** West County Area Library, 1325 Annapolis Rd., Meeting Rm. A, Odenton, MD  
**Add'l. Info:** The Task Force to Study a Post Labor Day Start Date for Maryland Public Schools is pleased to receive oral public comment at both the January 7, 2014, meeting and the February 5, 2014, meeting. In order to allow the Task Force sufficient time to conduct its business at each of these meetings, up to 1 hour will be allocated for public comment at each of these two meetings. Public comment will be taken from 2 to 3 p.m. at each meeting. To ensure the effective use of the time available for public comment, speakers will have 3 minutes to address the Task Force and are encouraged to provide sufficient copies of their comments or any other documents to support their oral comments to share with the Task Force members and observers.

Individuals must contact Dr. Kristine Angelis at (410) 767-0409 or via email at kangelis@msde.state.md.us at least 48 hours prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. Appropriate accommodations for individuals with disabilities will be provided upon request. To allow time to arrange accommodations,

8 business days notice prior to the meetings is requested. This notice is provided pursuant to State Government Article, §10-506 (c), Annotated Code of Maryland.

**Contact:** Dr. Kristine Angelis (410) 767-0409

[13-25-06]

### REAL ESTATE COMMISSION

**Subject:** Public Meeting

**Date and Time:** January 15, 2014, 10:30 a.m.

**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Patricia Hannon (410) 230-6199

[13-25-04]

### REAL ESTATE COMMISSION

**Subject:** Public Hearing

**Date and Time:** January 15, 2014, 12:30 p.m.

**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Patricia Hannon (410) 230-6199

[13-25-05]

### STATE TREASURER'S OFFICE

**Subject:** Announcement

**Add'l. Info:** The Board of Public Works hereby gives notice of the automatic terminations of State debt authorizations listed in Sections A and B below, and grants a 1-year temporary exception for the authorization listed in Section C below.

Authority: State Finance and Procurement Article, §8-128, Annotated Code of Maryland

A. The following authorizations for State projects were not encumbered within the 7-year time period and have terminated by operation of law on June 1, 2013:

(1) Authorization pursuant to Maryland Consolidated Capital Bond Loan of 1996, Chapter 125 of 1996 Laws of Maryland, Amended By: Chapter 660-1997, 138-1998; 212-1999; 508-2000; 290-2002; 204-2003; 432-2004; 396-2011; Laws of Maryland: Maryland State Welcome Center: Amount Terminated: \$58.00; Original Authorization: \$1,313,000.00

(2) Authorization pursuant to Maryland Consolidated Capital Bond Loan of 2003, Chapter 204 of 2003 Laws of Maryland, Amended By: Chapter 432-2004; 8, 9, 16, 22, 94, 103, 176, 445-2005; 46, 101, 102, 108, 322, 508, 555, 608-2006; 4, 46, 89, 202, 488-2007; 19, 336, 709-2008; 485, 707-2009; 372, 483-2010; 396-2011; Laws of Maryland: Smart Growth Economic Development

Infrastructure Fund: Amount Terminated: \$250,000.00; Original Authorization: \$7,500,000.00

(3) Authorization pursuant to Maryland Consolidated Capital Bond Loan of 2004, Chapter 432 of the 2004 Laws of Maryland, Amended By: Chapter 8, 9, 16, 94, 103, 445-2005; 46, 284, 508-2006; 89, 202, 488-2007; 336-2008; 485, 707-2009; 483-2010; 396-2011; Laws of Maryland: Maryland Historical Trust Grant Fund: Amount Terminated: \$11,258.40; Original Authorization: \$700,000.00

(4) Authorizations pursuant to Maryland Consolidated Capital Bond Loan of 2005, Chapter 445 of the 2005 Laws of Maryland, Amended By: Chapter 38, 46, 548, 574, 629-2006; 14, 24, 27, 61, 65, 66, 85, 95, 101, 201, 276, 488-2007; 219, 336-2008; 485,707-2009; 71, 372, 483-2010; 396-2011; 444-2012; 424-2013; Laws of Maryland:

(a) Accessibility Modifications: Amount Terminated: \$343.00; Original Authorization: \$1,300,000.00

(b) Department of Public Safety and Correctional Services – Western Correctional Institution – New Warehouse: Amount Terminated: \$88,044.00; Original Authorization: \$360,000.00

(c) Department of Public Safety and Correctional Services – Pre-Trial Detention Property Acquisition and Demolition: Amount Terminated: \$213,966.69; Original Authorization: \$2,640,000.00

(d) Maryland Environmental Service – Springfield Hospital Center: Amount Terminated: \$84,909.93; Original Authorization: \$835,000.00

(e) Maryland Environmental Service – Deep Creek Lake State Park: Amount Terminated: \$1,000.00; Original Authorization: \$768,000.00

(f) Senior Citizens Activities Centers Grant Program: Amount Terminated: \$600,000.00; Original Authorization: \$1,435,000.00

(g) Morgan State University – Campus Utilities Upgrade: Amount Terminated: \$24,591.85; Original Authorization: \$510,000.00

(h) Morgan State University – Montebello E-Wing/Old Power Plant/Morgue Demolition: Amount Terminated: \$239,589.72; Original Authorization: \$920,000.00

(i) Morgan State University – Campuswide Site Improvement: Amount Terminated: \$11,783.44; Original Authorization: \$200,000.00

(5) Authorizations pursuant to Maryland Consolidated Capital Bond Loan of 2006, Chapter 46 of the 2006 Laws of Maryland, Amended By: Chapter 62, 64,

78, 86, 104, 105, 283, 488-2007; 37, 219, 336-2008; 485,707-2009; 372, 483-2010; 396-2011; 444, 639-2012; 424-2013; Laws of Maryland:

(a) Annapolis Complex Beautification and Safety Improvements: Amount Terminated: \$1,160.09; Original Authorization: \$2,000,000.00

(b) University of Maryland – College Park New Biological Sciences Research Building: Amount Terminated: \$44,018.91; Original Authorization: \$2,300,000.00

(c) Coppin State University – Campuswide Utilities/Security Systems Improvements: Amount Terminated: \$42,013.89; Original Authorization: \$10,390,000.00

(d) Coppin State University – Lutheran Hospital Site: Amount Terminated: \$69.28; Original Authorization: \$2,237,000.00

(e) Maryland Environmental Service – Infrastructure Improvement Fund: Amount Terminated: \$5,749.19; Original Authorization: \$2,917,000.00

(f) Senior Citizen Activities Centers: Amount Terminated: \$625.00; Original Authorization: \$1,322,000.00

B. The following grant authorizations were not encumbered within the 7-year time period and have terminated by operation of law on June 1, 2013:

(1) Authorizations pursuant to Maryland Consolidated Capital Bond Loan of 2005, Chapter 445 of the 2005 Laws of Maryland, Amended By: Chapter 38, 46, 548, 574, 629-2006; 14, 24, 27, 61, 65, 66, 85, 95, 101, 201, 276, 488-2007; 219, 336-2008; 485, 707-2009; 71, 372, 483-2010; 396-2011; 444-2012; 424-2013; Laws of Maryland:

(a) Robert A. Pascal Youth Counseling Clinic: Amount Terminated: \$100,000.00; Original Authorization: \$100,000.00

(b) Historic Tome School: Amount Terminated: \$100,000.00; Original Authorization: \$100,000.00

(2) Authorizations pursuant to Maryland Consolidated Capital Bond Loan of 2006, Chapter 46 of the 2006 Laws of Maryland, Amended By: Chapter 62, 64, 78, 86, 104, 105, 283, 488-2007; 37, 219, 336-2008; 485,707-2009; 372, 483-2010; 396-2011; 444, 639-2012; 424-2013; Laws of Maryland:

(a) Baltimore Clayworks: Amount Terminated: \$41,287.06; Original Authorization: \$150,000.00

(b) Montrose Center for Children and Families: Amount Terminated: \$13,358.82; Original Authorization: \$100,000.00

## GENERAL NOTICES

(c) Montrose Center for Children and Families: Amount Terminated: \$100,000.00; Original Authorization: \$100,000.00

(d) Winchester Street Potter's House: Amount Terminated: \$125,000.00; Original Authorization: \$125,000.00

(e) YMCA Bethesda – Chevy Chase: Amount Terminated: \$5,121.00; Original Authorization: \$50,000.00

C. The following authorizations were not encumbered within the 7-year time period, but the agency or Grantee has requested a 1 year exception to June 1, 2014:

(1) Authorizations pursuant to Maryland Consolidated Capital Bond Loan of 2006, Chapter 46 of the 2006 Laws of Maryland, Amended By: Chapter 62, 64, 78, 86, 104, 105, 283, 488–2007; 37, 219, 336–2008; 485, 707–2009; 372, 483–2010; 396–2011; 444, 639–2012; 424–2013; Laws of Maryland:

(a) Morgan State University – Campuswide Utilities Upgrade: Amount Extended: \$3,461.43; Original Authorization: \$7,010,000.00

(b) Morgan State University – Campuswide Site Improvements: Amount Extended: \$1,810,931.91; Original Authorization: \$2,840,000.00

(c) Morgan State University – Lillie Carroll Jackson Museum: Amount Extended: \$40,131.00; Original Authorization: \$240,000.00

(d) Gang – Related Activity Prevention Grants: Amount Extended: \$54,515.00; Original Authorization: \$647,414.00

(e) Discovery Station at Hagerstown: Amount Extended: \$42,353.74; Original Authorization: \$50,000.00

(f) Family Life & Wellness Intergenerational Center: Amount Extended: \$150,000.00; Original Authorization: \$150,000.00

(g) Family Life & Wellness Intergenerational Center: Amount Extended: \$100,000.00; Original Authorization: \$100,000.00

(h) Great Blacks in Wax Museum: Amount Extended: \$350,000.00; Original Authorization: \$350,000.00

(i) Waxter Center for Senior Citizens: Amount Extended: \$77,379.29; Original Authorization: \$250,000.00

**Contact:** Camille Dawson (410) 260-7154

[13-25-35]

### BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

**Subject:** Public Meeting

**Date and Time:** January 16, 2014, 10 a.m. — 4 p.m.

**Place:** Howard Co. Bureau of Utilities, Columbia, MD

**Add'l. Info:** A portion of this meeting may be held in closed session.

**Contact:** Pat Kratochvil (410) 537-3167

[13-25-02]

### BOARD OF WELL DRILLERS

**Subject:** Public Meeting

**Date and Time:** January 22, 2014, 9 a.m. — 4 p.m.

**Place:** MDE, 1800 Washington Blvd., Gwynn Falls Conf. Rm., Baltimore MD

**Add'l. Info:** A portion of this meeting may be held in closed session.

**Contact:** Willie Everett (410) 537-3644

[13-25-03]

### WORKERS' COMPENSATION COMMISSION

**Subject:** Public Meeting on Regulations

**Date and Time:** January 9, 2014, 9 — 11 a.m.

**Place:** 10 E. Baltimore St., Baltimore, MD

**Add'l. Info:** Final action on proposed regulation changes will be considered by the Commission at this meeting. Portions of this meeting may be held in closed session.

**Contact:** Amy S. Lackington (410) 864-5300

[13-25-11]

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  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
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- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
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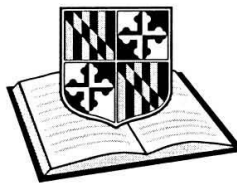
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